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ABSTRACT

Covering the Bi-regional Conference on the Education of Hispanics which was held February 14-16, 1980, in San Antonio, Texas, this text is a verbatim report of selected papers presented. Presentations in the post-secondary sessions deal with the Hispanic variable in higher education (five papers); program and professional development and implementation in the institutional setting (four papers, plus a summary); and accountability in higher education (four papers, plus recommendations for Hispanic education for the next decade). Presentations in the elementary and secondary education sessions deal with legislative, judicial, and moral issues affecting the education of Hispanics (5 papers, plus recommendations), and implementation, enforcement, and accountability issues affecting the education of Hispanics (10 papers). The sessions on bilingual education include presentations on legislative and judicial issues affecting the education of Hispanics (five papers), implementing bilingual education programs and enforcing compliance with federal and state statutes (three papers), and accountability for ensuring equal educational opportunity for Hispanic children (three papers). A presentation by Ruben Bonilla, Jr., on issues for educational issues of 1980, general conference recommendations, and a list of conference participants are also included. (CM)

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Selected Papers from the Hispanic Conference

San Antonio, Texas
February 14-16, 1980

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and Assessment Center
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PREFACE

Perhaps the best way to describe the "Bi-regional Conference on the Education of Hispanics" is that it was a gathering of the "Who's Who" of Hispanics and other outstanding leaders interested in the education of Hispanics from the Southwest and mountain states of the United States - a very large number having achieved such status nationally. A conference of such forceful and opinionated individuals is difficult to plan and much more difficult to implement successfully. Nevertheless in spite of several delays and frustrations approximately 450 dedicated participants from Arkansas, Colorado, Louisiana, Montana, North Lakota, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming met in San Antonio, Texas on February 14-16, 1980.

I believe there were two main reasons why the conference was a success: (1) the skill of the conference planning committee, and (2) the realization among the conferees that minor differences had to be resolved in order to achieve a united force which would result in a more effective effort to guarantee equal educational opportunities for the Hispanic population of this country.

This text is a verbatim report of the proceedings of the conference. An attempt was made earlier to summarize these presentations, reactions, and recommendations into an Executive Summary. Hopefully that was an accurate analysis, however, the reader with this text is now able to reach his/her own conclusions.

My hope now is that the conferees will not consider the task accomplished. In fact, the learning or development of attitudes which might have occured at the conference, the Executive Summary, and this text are merely guides and hopefully a conscience about the responsibilities of each and every conferee. The mix was there for effective follow-up action: national and state policy makers, national and state program administrators, local policy makers and school administrators, community organizations, teachers, parents and students.

Progress has been made regarding the education of Hispanics. Some presentors, however, commented that some of which was being expressed had been the case 10 and even 5 years ago. Each and every participant should act within their authorities and jurisdictions that such will not be the case 5 or 10 years hence. *¡Adelante!*

Edward J. Baca

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The San Antonio Regional Hispanic Educational Conference would have never taken place if not for the efforts of many dedicated people. Gratitude is expressed to the following:

SPECIAL SUPPORTERS

The Honorable Shirley Hufstedler, Secretary, U.S. Dept. of Education
Dr. Mary F. Berry, Former Assistant Secretary of HEW
Mr. William McLaughlin, Assistant Commissioner for Regional Liaison
Mr. Edward J. Baca, Regional Commissioner, Region VI--Dallas
Dr. John Runkel, Regional Commissioner, Region VIII--Denver
Mr. Gilbert Chávez, Dir., Off. of Hisp. Concerns, U.S. Dept. of Ed.
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THE CONFERENCE COORDINATOR

Mr. Samuel Saenz.....Dallas, Tx.

FRIDAY FEBRUARY 15, 1980

POST - SECONDARY EDUCATION SESSIONS

8:30 A.M. - 9:15 A.M. Continental Ball Room

PLENARY SESSION

INTRODUCTION OF MAJOR PRESENTOR: Dr. Leonard Salazar

Western Interstate Commission on Higher Education
Boulder, Co.

MAJOR PRESENTOR: Dr. Ralph Guzmán, Deputy Assistant Secretary Department of State, Washington, D.C.

9:30 A.M. - 12:00 Noon CONCURRENT SESSION A. Continental Ball Room

The Hispanic American Variable in Higher Education

MODERATOR: David Ballesteros

PRESENTOR: Monte Pérez

The Federal Education Agenda as it Affects Hispanics in the 1980's

PRESENTOR: Anita V. Martínez

Hispano Equity in Postsecondary Education Institutions in the 1980's

PRESENTOR: Antonio Esquibel

Upward Mobility in University Administration

PRESENTOR: Jesse Zapata

Impact on Universities of Increasing Number of Chicanos

PANEL MEMBERS: Gilbert D. Román, Connie DeLuna, José Perea, Marie Andre Walsh

THE HISPANIC AMERICAN VARIABLE IN HIGHER EDUCATION

By Ralph Guzmán*

The Hispanic American demographic variable will surely play a determining role in American higher education during the eighties. The Anglo-American population of 18-21 that traditionally provided the universities with students has dropped significantly as the larger population approaches zero population growth. At the same time Anglo American faculties are not retiring rapidly enough to provide jobs for younger faculty--particulary for ethnics and women. Consequently faculties throughout the country seek measures that insure employment and also protect contemporary standards of prestige within the university. We see the curious anomaly of colleagues, once opposed to the presence of working class ethnics, now making special efforts to recruit and retain exotic students. Cynical Hispanic educators argue that this turn-around is a desperate economic gambit totally lacking in altruism.

There are, indeed, real fears in the minds of many of our Anglo American colleagues. And, while one of those fears is certainly economic, other concerns have been expressed--which we may well share. The Carnegie Council's recent study, entitled "Three Thousand Futures," which I recommend that we read with care, reports some of the negative perceptions of our non-ethnic colleagues. I would like to paraphrase a few of the more salient perceptions and then juxtapose them with Hispanic American fears. For the piece de resistance I would like to indicate where I agree and where I disagree with the Carnegie staff's evaluation of the future.

I propose to show that the growth of the Hispanic American population can complement the highest dreams and best hopes of higher education; that our concerns as Hispanic American educators frequently match those of our non-ethnic colleagues, for the simple reason that quality education, desired by the majority is also appreciated by the minority. I see no problem if this convergence of interests can be understood by ethnic and non-ethnic scholars and if administrators in the 1980's proceed with greater courage and less suspicion.

With our help, another period of euphoria, in which the best traditions of the university are strengthened, is possible. *POR LA BUENA*, the Hispanic American population can make a substantial

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political, economic and intellectual contribution. I know that we are anxious to try.

I turn now to some of the fears of our non-Hispanic brethren as reported by the Carnegie Council.

--- that enrollments may decline by 40 or 50 percent because youngsters in the 18-21 college age category are fewer in number and because many students drop out of college and depress salaries of those who do graduate.

--- that the financial lifeblood of the universities has been reduced by tax limitation movements and the needs of competing public institutions.

--- that universities will compete against each other in destructive ways such as false advertising, easy academic credits, soft courses and grade inflation.

--- that faculties will "react in rigidly defensive ways," e.g., "collective bargaining and attacks on presidents and trustees."

--- that older faculty members, who are mostly Anglo American will continue to block the hiring of women and minorities.

--- that we face a decline in the quality of persons willing to serve as administrators because those positions have become more difficult and subject to more harassment.

--- that the growing influence of students lowers standards of academic conduct and quality; that "students drop in and drop out; now here, now there."

--- that government will intrude more and more in the life of the university prescribing and proscribing its future.

These are some of the concerns that our Anglo American colleagues reported to the Carnegie investigation. I now turn to a selection of Hispanic American views.

--- When our Anglo colleagues express concern for the drop

---

* Deputy Assistant Secretary of State, Bureau of Inter-American Affairs, on leave from University of California, Santa Cruz, where he is a Professor in Politics and Community Studies.

in the traditional college age group, we note that the population that they have in mind is not Mexican American, Puerto Rican or Black. In some sectors of academe, concern is for the way things used to be, for the passing of another social epoch. While looking to the past is useful we have learned that it is equally important to look forward, to speculate about the future.

--- We believe in *mañana*. But not to defer responsibility, as a popular song from my generation announced. We clearly see tomorrow with greater optimism and hope than do some of our majority-group colleagues. We look to mañana and the mañana after that and we do not cling to images of lost granduer. For the record: we do not rejoice because not enough Anglo youngsters are available to fill university classrooms. We recognize that times have changed; that the universities need students and that we have many who hunger for an education and for the economic and psychic rewards that come with exposure to the university. With a serendipitous view of the future, we also recognize that institutions of higher learning everywhere, but particularly in the Southwest, must adopt more imaginative programs of recruitment and retention if their interests and those of our community are to be served in harmony.

--- Tax limitation movements have, indeed, crippled the universities. We see drops in the use of soft and hard monies. Too many programs, particularly in the cultural area, have been curtailed for budgetary reasons. Our fear here is quite real and we share it with our non-ethnic colleagues. We see the festivities coming to a close just as we are arriving for the party. We cannot stand idly by. In this sense there is much that we can do with a political strength that grows in direct proportion to the size of our population. We can, we must, resist further damage to colleges and universities. Legislators should be encouraged to appreciate the value of higher education, whatever the economic climate. While we, too, suffer from over-taxation, we do not endorse the *machete* approach to the trimming of the budget. Further cutbacks to higher education will injure everyone. As Hispanic Americans we should favor a more responsible and efficient use of available resources.

--- It is said that universities compete with each other in destructive ways over recruitment of minority students. The complaints that Black athletes have lodged recently against several institutions of higher

learning come to mind. Black athletes claim that they were recruited to play basketball for colleges; that the schools made money and that Black athletes got nothing in return--not even basic skills in reading and writing. We do not, however, at this time, see institutions competing unfairly with each other in the recruitment of Hispanic American students and faculty.

--- We do see problems of social guilt among individual faculty members and staff. Hispanic American students have been educationally shortchanged by well-meaning educators who try to induce feelings of self-worth with superlative grades and other acts of endearment.

--- A few of our Anglo-American colleagues have established lower competency standards for ethnics than for non-ethnics. But if American scholarship is to thrive in the eighties and beyond, Hispanic American scholarship must be encouraged, not by condescension and flattery, but by a positive view of the contributions to higher education which the Hispanic American experience can provide.

--- I ask our Anglo American colleagues to consult with us about grades and standards. We are prepared to share what we have learned about methods of evaluation. At this time I urge that in judging the worth of an Hispanic American student--or any other student, for that matter--teachers consider personal attributes and potential for contributing to society, as well as classroom grades.

--- A few of our Anglo American colleagues have engaged us in competition for the minds and hearts of Hispanic American students. While we should welcome competition in the market place of ideas, we cannot accept efforts to redefine higher education for our community by those who claim to know better than we do, what is, and is not, in the best interests of our students.

--- As Hispanic American professors, we know that universities can react in rigidly defensive ways. The record is clear. We have all experienced fearful opposition from established academics. The value of bicultural, bilingual education, for example, is not generally accepted nor is the need to teach Spanish for the Spanish speaking. Cesar Gonzáles, a colleague from San Diego Mesa College, has argued that we have no right to tell a student: "You may not exercise your right to an education until you learn English." The idea that Hispanic Americans may have new ideas, and new insights into higher learning. Sug-

gestions for pedagogical changes that could conceivably make the pursuit of knowledge more interesting for all students often fall on deaf ears. If the conceptual approach is not familiar it is not easily accepted. I speak from experience of colleagues who insist that they are objective scholars--with open hands. And so goes the litany of our complaints. Fundamental to the opposition that Hispanic Americans have faced in American institutions of higher learning is the conclusion that we are at once alien and unknowing; that we are somehow incapable of understanding the purpose of higher education and that we cannot, therefore, nurture the life of our universities. On some campuses, our Hispanic American sense of social obligation to our campuses, our Hispanic American sense of social obligation to our communities is considered crass and even subversive of the purpose of higher learning. That we feel socially accountable to our families and our communities is a difficult foreign notion for others to accept. I submit that there is nothing more unintelligent, more obstinate, narrow and parochial than the frightened academic, dressed in the robes of tradition and transparent standards.

--- Many in academe block the admission of new people into the ranks of the faculty by simply refusing to retire. As an Hispanic American I acknowledge this phenomenon with a heavy heart. I see that blockage of the entry-ways keeps the youngest and brightest of our nation from exercising our profession. But as Hispanic Americans we should not automatically condemn age. There are few Hispanic American professors over fifty years of age. Our senior professors can be counted on one, perhaps two hands. In fact I may still be the only full professor in political science of Mexican American descent in the nation (I am ready to retire). The majority of our Hispanic American colleagues are in their twenties and early thirties, and at the assistant professor level. They are blocked by others -- not by other Hispanics. We who have experienced problems of discrimination should not now discriminate against the elderly, and thus in the process violate basic precepts of our Latin heritage and traditions. As sensitive academics we should welcome the introduction of emeritus programs that protect history with bridges of wisdom constructed across generations.

--- We hear that the quality of administrators has declined; that the administrators of today are not as good as they once were. *Frijoles ácidos*. Administrators today like their predecessors in another period reflect the people who hire them: the trustees and the regents; those who set

policy direction for the universities. If we are to engage in fault finding we should scan the entire spectrum. Fault rests in random order. As Hispanic Americans we should view fault finding of this type with suspicion. Why is there reference to quality of administrators at this particular time? Does the appearance of ethnics and women exacerbate that worry? But in spite of these fears I see important positive changes. A few Hispanic administrators have been appointed. None, to my knowledge, confirm the fears of the doubters. We have Chancellors, Vice Chancellors, Deans and others who have already made important contributions to our profession. Dr. Eugene Cota-Robles, former Vice Chancellor on my campus, the University of California at Santa Cruz, is one of those outstanding individuals. There are others, of course. Many Hispanic American administrators have experienced opposition from regents, academic senates, and fellow administrators. But, in some cases we have set standards for our ethnic colleagues also set for other administrators.

--- The growing influence of students is perceived by some as a problem. As Hispanic American educators we should come to grips with this question from a different perspective. Many of us have had to function as untrained counselors, as surrogate parents, as teachers and of course as friends, to thousands of Hispanic students. Why? Because in most universities Hispanic American students are turned over to us for counseling services and for other forms of student support that are not normally available. We are expected to serve the needs of our students. We are Hispanics, we should know all there is to know about Hispanics. Because we have taken care of our own, we have learned that it is possible to work with students. As Hispanic American professors, we have learned about the complex pressures that young people away from home for the first time experience. As a result we have introduced teaching methods that better serve all students. In this sense the growing influence of young people has not been a threat to our professional goals.

What does all this imply for us in the decade ahead? What, then, are some solutions to the challenges before us? These are my recommendations:

--- More interaction between Hispanic American scholars and members of the majority because there is a need for greater understanding on both sides.

--- More interaction between Hispanic American scholars and

our counterparts in other ethnic groups because we need to reduce unnecessary competition.

--- A review and perhaps restructuring of faculty recruitment procedures to ensure greater equity in the employment of Hispanic Americans at all levels. We view with alarm the growing acceptance of the gypsy phenomena in higher education that exploits young scholars.

--- Establishment of programs that open doors for younger faculty without penalty to older professors. In this respect we see value in emeritus programs that reward excellence and service. I visualize a Dr. George I. Sánchez and an Ernesto Galarza Fellowship for Distinguished Teaching.

--- Creation of a National Commission of Scholars and Administrators whose job would be to channel students and faculty from one university to another. This would be an effort to give Harvard and other eastern schools an opportunity to know Mexican Americans and for UCLA and other western schools to better understand Puerto Ricans and Cubans. There might also be efforts at joint recruitment of minorities by eastern and western universities.

--- Student and faculty exchanges across national boundaries, particularly with Mexico. Here I call for the establishment of bilingual, binational US/Mexico institutes and centers in the east and west. I see a need for institutes that specialize in law, commerce, social sciences, and the natural sciences. Mexico and the U.S. could well serve each other's national interests, with a greater exchange of ideas. We need an expansion of academic programs involving faculties, students and persons from the private sector.

--- Programs that reward superior accomplishment in the classroom and in the laboratory, in writing and administration. Private and public organizations that now reward academic excellence should be encouraged to expand their Hispanic American dimensions. While we should stress recognition of individual Hispanic American efforts, we should be equally if not more, determined to acknowledge non-Hispanics who really understand the Hispanic American variable.

To recapitulate: Real fears plague some of our Anglo American

colleagues. We have to help them to understand who we are. They need to know that

--we too worry about standards

--we too want academe to prosper,

--we too are buffeted by the violence of the budget.

But we also need a specific Hispanic campaign for higher education. One that

--stresses the value of knowledge and truth,

--demands more rigorous analysis

--rejects social science research that only pander to our emotions,

--opens doors wider for the poorest of all peoples

--encourages intellectual cooperation and the sharing of knowledge and avoids research conceived only for narrow commercial purposes,

--rewards excellence in scholarship, starting with the very young and reaching a point where Hispanic Americans, like Ernesto Galarza, are also nominated for the Nobel Prize,

--Reaches beyond parochial boundaries, to Mexico, to Spain, and the rest of the Spanish-speaking world.

--teaches students not be afraid to ask, to inquire, and to doubt,

--asserts our right, as American scholars, to be present in the formulation and implementation of this nations highest dreams, and national policies and priorities,

--emphasizes our right to belong and be an integral part of this nation and its universities.

--includes more Hispanic American women on every level of academe.

The consequences for the university in the 1980's can be:

--A university that is more understanding of Hispanics, Blacks, and all Americans,

--A university where we will cease to be tokens, window-dressing, house-ethnics,

--a university where our identity as human beings and citizens of this nation will be understood without fear,

--a university where our children will no longer suffer the pain of social ambiguity and where they will be welcome as bearers of new ideas,

--a university where Hispanic American professors can participate in the design and implementation of the future of higher education.

In conclusion, we refect totally and absolutely that specious argument that we are hindrances. On the contrary, we are important supporters of the very best in American academe.

The best traditions and the most ambitious dreams of American scholarship are possible if bridges of understanding are built with intelligence and used with courage and compassion.

Thank you.

HISPANO EQUITY IN POSTSECONDARY EDUCATION INSTITUTIONS IN THE 1980's

By Anita V. Martínez
Affirmative Action Officer
Western Interstate Commission for Higher Education
Boulder, Colorado

When I was first approached to address this group on the issues of equal opportunity in higher education for the 1980's, I felt quite prepared and conversant with the issues. As I reviewed the history of equity in higher education as it relates to Hispanos and specifically presenting with this group of higher education professionals, it became quite clear to me that this task had been addressed before. We haven't done that for the 80's, you say?

Well, let us review what transpired in the 70's. *Recuerdo que uno de mis* I remember that one of my management professors' iterated and reiterated the importance of organizational history as a starting, pivotal point for planning activities. I believe this principle applies in the task before us today. Let me put a historical perspective for the development of our equity agenda for the 1980's.

According to the Carnegie Council on Policy Studies in Higher Education's volume entitled *Making Affirmative Action Work in Higher Education* one of the most important issues facing higher education in 1975 was affirmative action. Indicating that substantial progress had been made toward rectifying discriminatory practices of the past, the Council urged immediate action to the "confusion" still surrounding affirmative action in higher education.

The Council felt strongly that confusion results from each of the following:

... Too many regulations and guidelines, in some cases with each other, and these regulations and guidelines too little informed by a knowledge of the special characteristics of higher education.

... Too many agencies duplicating, even fueding, with each other, and demanding the same data.

... Too few staff persons, and they, in turn, often too little qualified for their responsibilities. Some of them are more dedicated to their personal crusades and agendas to impartial enforcement of federal laws and

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regulations.

... Too long delays in processing plans and complaints, with too little certainty of the resulting actions (as among the regions of HEW).

... Too many remedies through too many channels, the remedies exhaust the parties.

... Too little contact, on a consultative basis, with the world of higher education.

... Too anti-elitist an approach, singling out the most prestigious research universities.

... Too hypocritical a posture by the agencies involved in not having applied their own rules to the recruitment and employment of their own staffs -- for example, failure to take an early approach to "parity" in their own staffs.

The Council was positive in stating that institutions of higher education were assuming the initiative in securing equality of opportunity. The critical issues surrounding affirmative action then become the "confusion" A La Carnegie Council and case backlog within those agencies vested with the power of compliance. These concerns, coupled with inherent institutional racism, did not make for a pleasant forecast.

Later in 1975, a prestigious group of Hispano Education professionals convened in Albuquerque in what was the first National Institute on Access to Higher Education for Mexican Americans under the auspices of HEW's Office for Civil Rights and the National Education Task Force de la Raza, Dr. Gil Román and Dr. Ed Baca respectively.

Motivated by research that depicted a grim under-representation of Hispanos in institutions of higher education in administrative and faculty positions, as college graduates, and a general concern that the gains of the Hispano community were not keeping up with Hispano population growth, this group set about to systematically identify the problems and to design a plan of action. At this institute, Vilma Martínez of MALDEF set forth the proposition that that "the remedy for segregation is integration" approach to education is a fallacy for Hispanos. For many Hispanos bilingual education is an integral ingredient in attaining an equal education, she said. Dr. Heyns, then President of the American Council on Education suggested that a priority strategy that guided our efforts in combating the barriers to access be formulated.

Dr. Montenegro, a presentor at the institution, recommended a mass infiltration into the system by becoming informed and subsequently participating. For example, she recommended we "develop strategies to enable Chicanos to sit on Boards of Regents, Boards of Trustees, Boards of Governors and on Commissions," but not limited to this example.

Several papers that dealth with recruitment and admissions: Barriers and Strategies were presented. The Hispano employment in higher education was studied and dissected. An excellent piece of research on this subject, entitled: *The Status of Chicano Administrators in Higher Education* was conducted and shared with the group by Dr. Antonio Esquibel. The group in workshop forum collectively discussed and evolved plans of action in the areas of higher education:

... Politics
... Testing and Counseling
... Admissions and Recruitment
... Financial Aid
... Curriculum
... Employment, and
... Compliance and Litigation.

Less than two years later, in October of 1977, the EEOC issued procedural changes in handling EEOC cases. Called the Rapid Charge Processing System. This system conceivably would expedite discrimination litigation. In June of 1978 came to *amigo infamoso* Allen Bakke *Yo siempre doy la gente que no quiero a otros*.

Allen Bakke was rejected admission to the University of California at Davis twice and filed suit against the University, claiming he had been denied admission because of his race in violation of Article I of the California Constitution, the fourteenth amendment of the United States Constitution and a special admissions program for minorities, which operated in conjunction with the regular admissions program. Presented concisely in the eseence of item: The Supreme Court delivered a split decision - in fact two 5-4 decisions. The importance and significance of this decision becomes the fact that RACE CAN BE A FACTOR IN VALID ADMISSIONS PROGRAM. This practice has become known as the "benign use of racial criteria". In light of Bakke the Department of HEW's Office for Civil Rights issued guidelines on voluntary affirmative action for public or private higher education institutions receiving HEW funds. This policy interpretation encourages institutions to continue and expand voluntary Affirmative Action programs to increase the minority student enrollment to attain a diverse student body.

The guidelines include:

... Consideration of race, color or national origin, together with other factors in selecting students. In addition, an institution may give more weight to race, color, or national origin than to other factors.

... Increased recruitment in predominantly minority situations and communities.

... Use of alternative admissions criteria when traditional admissions criteria are not predictive of success for minority students.

... Special service provisions including summer institutes and tutoring (students may not be excluded on the basis of race, but race can be used as a factor in selecting participants for these programs).

... And, I believe most importantly, the guide to establish and pursue numerical goals to achieve the racial composition which the institution seeks.

1978 and 79 continued to experience change in equal opportunity. President Carter's reorganization plan for the EEOC subsequently went into effect, accomplishing but not limited to the following:

1. On July 1, 1978, abolishing the Equal Employment Opportunity Coordinating Council and transfer its duties to EEOC.

2. On October 1, 1978, shifting enforcement of Equal Employment Opportunity for federal employees from Civil Service Commission to EEOC.

3. Consolidated all enforcement of Executive Order 11246, which bans discrimination by government contractors and subcontractors effective October 1, 1978. On that date, the President issued an executive order, transferring authority to the Department of Labor's Office of Federal Contract Compliance Programs.

These are highlights of the equal opportunity events that transcribed in the 70's. What does that mean for use in the 80's?

Clearly, our agenda for the 80's must include a carryover of old business from the 70's. It is incumbent upon each of us to carry on our individual and collective efforts to removing the

barriers to access, and therefore, success.

I would like to suggest several areas that will require our attention in the 80's. Many of you have probably already thought of these, but allow me to verbalize them:

First of all, and I believe most importantly, the new Department of Education. Please open your programs to the cover page. Secretary Hufstedler says: "Providing equal educational opportunity for Hispanic Children and youth is high on the agenda of my priorities for the new Education Department." Where is this commitment? The budget authority for the new Department of Education (DOE) is 14.2 billion dollars. There will be 17,000 employees and 152 programs. Consider this: There is not an Hispano in the management operation of the evolving department. And of the 14 task forces we have the leadership of migrant and bilingual education. In effect we are segregated not integrated in the policy initiatives of the Department. To further illustrate this point the DOE "special concerns" of 1981 budget include desegration to the tune of 339 million dollars which is statistically a Black concern. 20 million dollars for women's educational equity which in reality, inpractice will benefit the White female.

The Department of Education should also be concerned about:

... Programs that enhance the professional mobility of Hispanic faculty through research and teaching programs, as outlined and suggested by Dr. Ralph Guzman this morning.

... Programs that improve the access of Hispanics in undergraduate and graduate education.

Secondly, our agenda should include the whole issue of declining enrollments. We must become appraised of what this means for Hispanos in our respective states. One of the most important variables influencing enrollment in the 1980's is the dramatic change in the ethnic mix of young populations. Within the 18-24 year old group, the proportion of Anglo students will decline over the next decade, for example, Western Interstate Commission for Higher Education has prepared a report on higher education in the West, February 1980. Some of the data from this publication reflects that approximately half of the states in the Continental U.S. will experience 20 to 60% decrease in student enrollment. Approximately a quarter less than 18% decrease. These are all decreasees. At precisely the same time this decrease is occurring, the proportion of minority students will be increasing, particularly the proportions of Hispanic students. The growing ethnic minority groups clearly represent a new prospective stu-

dent clientele. The answer then to the declining enrollment dilemma is so simple it has eluded university administrators and those in the admissions process: the void created by Anglo students can and should be filled by minority students. I believe concerted recruitment effort aimed at minority student populations is highly in order.

Affirmative Action

Indeed, the framework for equal opportunity and affirmative action is the laws, regulations and the network of governmental compliance agencies extant. But by it s reactive nature it is necessarily limited in bringing about the desired changes. As an affected group it becomes incumbent upon us to optimally utilize equity a reality. Take for instance the fact that there will be no less than 20 scheduled seats for political appointment and 152 program heads at the help of the new department of education. And that one of the important additional features of the new department will be "a strengthened Office for Civil Rights". I believe the Office for Civil Rights' first tasks and interests should begin within the department.

Additionally, I would submit that we must go beyond the traditional "utilization and representation" definition of affirmative action to include a program initiative mentally. That is that we initiate and encourage institutions to perceive and implement affirmative action as a vital and necessary component of all programatic initiatives that survive the priority list, for example:

... Programs that improve the attrition of Hispanos in undergraduate and graduate schools.

... Career development programs for Hispano administrators.

Mentors

As a last idea for thought I would like to talk about Mentors. I would like to share a personal observation to serve as commentary on an area that needs development. In my training as a social worker I was made actively aware of the importance of role models in the development particularly of children but generally for everyone. A friend of mine and I were discussing this very topic not very long ago and one very important aspect of this principle came to light for us. That one day you outgrow your mentor (or role model). And it occurred to us that at this point we should carry on the tradition and provide the role model and mentor availability to the young professionals. We are now in a position to assist and groom. I believe by doing this we

can accomplish a couple of things.

... Create a buddy system that works parrallel and in conjunction to the Anglo "ole boy" system--our very own carnal system, and secondly,

... Attract young Hispanos to our mission.

We can't be everywhere all the time so we must develop new talent and manpower to carry on the tasks before us. It takes time and it takes patience. Let's gear up to the task. I for one am very grateful to have grown professionally under the tutelage of such professionals as Dr. Leonard Salazar and Dr. Orlando Rivera. I would like to return this favor.

Closing Remarks

Let me close by sharing with you the thoughts and words of Washington State University President Glenn Terrells in addressing the National Center for Higher Education Management Systems National Assembly last month. He said that one of the challenges of 80's will be to remove barriers to access to institutions of higher learning for minorities and women. By meeting this challenge he said we will become "more atuned to the world around us." He predicts the 80's will be an era to develop superior solutions and that this task will be impossible only to those who lack spirit.

Hermanos, hermanas the 80's present us with an honorable task. The affluence that begets human concern *ya no existe*. We must recognize that as the national economy becomes limited so does the latitude of acceptance for human concerns become comesurately limited.

The title of this session is Hispano and Political Dynamics in American Higher Education. My hope is that this will evolve into a *"Numero uno* syndrome" a time to put Hispanos before all others.

Y como una raza pura y poderosa we will meet the challenges with spirit.

Como decía mi abuelita: "No le pidas a Dios que te dé, nomás que te ponga donde hay".

Gracias.

HISPANO EQUITY IN POSTSECONDARY EDUCATION INSTITUTIONS IN THE 1980's

By Anita B. Martínez
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Western Interstate Commission for Higher Education
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Background

The Hispanic agenda for the 1980's must include a carryover of old business from the 1970's. This includes:

(1) Keeping a close watch on racial criteria in light of the Bakke decision. As dictated by the Supreme Court, race can be a factor in a valid admissions program.

(2) Pursue the goal of increased recruitment at institutions where significant numbers of Hispanics reside.

(3) Utilize alternative admissions criteria when traditional admissions criteria are not successful.

(4) Establish and pursue numerical goals to achieve the racial composition desired.

(5) Reorganize the EEOC and consolidate affirmative action functions to eliminate duplication to effectively carry out the federal responsibilities in equal employment opportunity.

Recommendations for the 1980's

(1) Press for equity in employment and in program initiatives within the new Department of Education. Highlight program initiatives that will benefit Hispanics and not only Blacks and women. Encourage program initiatives that enhance the professional mobility of Hispanics faculty and professionals.

(2) Initiate a new access agenda for Hispanic students interested in undergraduate and graduate/professional opportunities. Answer the declining enrollment dilemma by recruiting the growing pool of Hispanics.

(3) Request that the U.S. Office of Civil Rights emphasize the rights of all minorities and that special emphasis be placed on the growing Hispanic population.

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(4) Develop a sophisticated orientation program for the purpose of providing Hispanic youth the opportunity to grow professionally and benefit from the wisdom and intellect of Hispanic professionals.

(5) Work together and cooperate with the higher education establishment to remove all barriers which deprive the Hispanic populations their right for equal educational and employment opportunities.

THE FEDERAL EDUCATION AGENDA AS IT AFFECTS HISPANOS IN THE 1980's

By Monte Pérez
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It is exciting to know that Hispanics all over this country are discussing the future education opportunities for Hispanics in the 1980's. This needs to be done. Hispanics have made some progress, but overall we are still way below national norms, when it comes to graduation and higher education participation.

It is my contention that the Federal Government will play a heavier role in affording equal educational opportunities in the 1980's. Currently, the Federal investment in higher education amounts to 28% of the total fiscal investment of the higher education interprise, and given the curtailment of resources at the local and state level, the federal investment will be much more critical in the 1980's than in previous decades.

Today, I would like to outline a few major issues in higher education and discuss the federal response, its implications, and suggestions for action by Hispanic individuals and organizations.

Issues Identified by the Hispanic Higher Education Coalition

To start with, we must review the Higher Education Reauthorization process of 1979 and forecast the possibilities for 1980.

In 1979 a group of Hispanic organizations decided to coalesce and develop a series of legislative proposals for submission to the House and Senate. These organizations represented a number of Hispanic constituents throughout the country. HHEC included LULAC, NCLR, MALDEF, PRLDEF, ASPIRA, NAEEO, and a host of others (14 in total).

Through the work of the coalition a series of policy papers were developed. These papers served as the basis of our legislative proposals.

Essentially, there were four major issues identified by HHEC confronting Hispanics in higher education. Briefly, these were:

1. Access--Hispanics have not achieved full access in higher education. Although, we inhabit community colleges at above normal rates (55% of Hispanics in higher education are are in two-year IHEs), we are not partici-

pating four-year and graduate schools at equitable rates to our population.

2. Retention--Hispanics are going through a revolving door. Starting with a high school dropout rate of 50% and more, particularly in urban centers, we find ourselves leaving two-year and four-year IHEs at alarming rates as well.

3. Professional Development--Hispanics comprise 1% to 2% of the professional and graduated schools in the country. We are not enrolling and graduating from graduate schools at representative rates and find ourselves ill-prepared to enter particular professional fields and opportunities.

4. Institutional Representation--Lastly, Hispanics are severely underrepresented in local, state, and federal education agencies. There are a handful of college presidents, vice-presidents, state education agency, and USOE employees. We are not able to influence policy and program decisions, since we lack sufficient representation.

Thus, the HEA Reauthorization must modify programs and strategies to address access, retention, professional development, and representation needs of the Hispanic community.

HEA Reauthorization

The House passed H.R. 5192, The Higher Education Bill of 1979, by a margin of 385 to 15. This Bill contains provisions for expanding the Basic Grant, TRIO, Continuing Education, and Graduate Opportunity Programs. It also curtails capricious actions by Title III, eliminates Title X but keeps the community college office, and consolidates State Postsecondary Programs to address under-representation and equity concerns.

The Senate will be marking up their bill. It is believed that the Senate will cutback authorizations for BEOG and Student Loans, seek to eliminate Title III, and modify graduate programs to serve those students who demonstrate merit as opposed to need.

The Administration agrees with the Senate to cutback BEOG and Student Loan authorizations, but is desperately trying to salvage Title III, and continue graduate programs to serve underrepresented groups.

It is expected that by the end of the 1980 Congressional Calendar the Higher Education Act will be completed, dictating

expenditures and policy until 1985.

HEEC has met with the Senate and re-emphasized our proposals. Briefly these are:

1. To establish a discretionary program in Title I, that targets funds to non-profits and CBOs.

2. To expand library programs that serve community needs.

3. To raise the community college setasides to 40% in Title III.

4. To expand TRIO to an authorization level of $400 million.

5. To have all the graduate programs include eligibility language of economic disadvantage and persons who come from environments where the dominant language is other than English.

6. To authorize the establishment centers to study the relationship of Mexico and the United States .

These proposals have been adopted in varying degrees by the House, but HHEC is trying to get Senate approval as well. 1980 will be the year where our legislative prowess will be tested.

The Department of Education Transition

Alongside the HEA Reauthorization a second and extremely important phenomenon is taking place: THE ESTABLISHMENT OF THE DEPARTMENT OF EDUCATION.

The Secretary has announced that the Department may be in place by April 2, 1980. June 2, 1980, is the statutory deadline to establish the Department. Several critical steps must take place before the Department gets off the ground. First, major appointments of assistant secretaries and deputy assistant secretaries will need to occur. We all have heard various rumors on the progress of these appointments.

Second, the organization placement of education programs in the Department will have to be decided.

With regard to the second activity, certain assumptions and principles have been stated to guide the decisions on program placement. Some of these are:

1. No program offices will report to the Secretary, unless there is statutory authority (e.g., bilingual) or widespread congressional and national interest.

2. Program placements are to be assigned by the following criteria:

   A. Purpose
   B. Recipients, and
   C. Interrelationships with other education programs.

3. Program assistant secretaries (e.g., postsecondary), WILL NOT MIRROR the functions of staff assistant secretaries (e.g., Assistant Secretary, Planning and Budget).

In the case of Migrant Education, these principles lead one to believe that the Office of Migrant Education will not report to the Secretary, and will probably be placed in an Elementary/Secondary context.

In the case of Higher Education, policy analysis, legislative development and budget formulation will not staff offices within the postsecondary.

Options for the organizational structure in postsecondary education are the following:

1. Two program deputies, one for student assistance, and the other for institutional aid.

2. One deputy for student assistance, more than one deputy for institutional programs.

3. Two deputies for student assistance programs--one for grants and workstudy, the other for loans--in addition for institutional programs.

Decisions on program placement and organization structure will be made by the end of February.

Other Issues of Importance

There are three issues I would like to address, I believe to be extremely important to the Hispanic community.

First, the President announced in July his allocation of over $2 billion in the Youth Employment/Education Project.

Education is scheduled to receive around $900 million to

develop basic skills projects in the secondary schools and better vocational skills training programs.

This program has the potential to impact large numbers of Hispanic youth, sending them on to a postsecondary institution. Given the effects of the draft, the opportunity to identify large number of Hispanic youth for postsecondary training is extremely important to watch.

Second, in 1981, the Vocational Education Act will be reauthorized. This Act funds approximately $800 million to match states and establish programs of Vocational Education. There are some serious civil rights issues in order. Given the vast amount of dollars going into Vocational Education from the Youth Employment initiative it is extremely important to revamp and correct present practices that prevent Hispanic youth from fully participating in these programs.

Third, Secretary Harris of HHS will be signing a second set of Hispanic Initiatives to address employment, data collection, grants and contracts, and public information gaps that presently exist in the Hispanic community. Many of these initiatives will affect education. It is important that the Hispanic community monitor the progress of HHS and the Department of Education to insure that the initiatives are fully implemented.

Summary

In this short presentation I have tried to highlight the current and important issues in higher education. Other issues of importance have been cited. These issues will impact heavily on our community. Federal decisions from Congress and the Executive branch may well determine future education opportunities for Hispanics in the 1980's.

Thus, it is critical for Hispanics throughout the country to coalesce, network, and develop substantive arguments to insure greater support from IHEs, states, and the Education Department.

This can only be done through hard work and challenging each and every one of us not be complacent, but to continue to learn, explore, and act.

I hope through these conferences, young and old, veterans and beginners, will put aside their differences and roll up their sleeves to impact the policy arena in Washington and elsewhere. Hispanics require no less than our dedication and hard work.

Thank you.

IMPACT ON UNIVERSITIES OF INCREASING NUMBER OF CHICANOS

By Jesse T. Zapata, Ph.D.
University of Texas at San Antonio

Chicano students have begun to attend colleges and universities in large numbers. Despite the fact that this increase has been occurring over the last 15 years, institutions of higher education know very little about those students (Muhs, Popp, & Patterson, 1979). In addition, most efforts to serve Chicano students have taken the form of special programs (tutoring, counseling ethnic studies programs), but rarely have these programs become integrated into the "mainstream" of their various institutions (Arce, 1976). Too often, for example, counseling services for Chicanos receive special attention only for as long as special service programs exist on campus. In addition, the existance of a special service program may serve to "absolve" the "regular" counseling program of any responsibilities toward Chicanos.

This paper will identify some of the needs of college-bound Chicano students and list some recommendations that might result in a more appropriate response to those needs. The underlying assumption for the paper is that the increasing number of Chicano students in higher education calls for responses that are more permanent and more accountable than they have been in the past.

The Issues

In order to develop ideas regarding what Chicano students need, it is important to have an understanding of what Chicano students in higher education are like. Unfortunately, most of the data regrading Chicano students is in terms of statistical records or demographics (Arce, 1976). We know, for example, that the percentage of Chicano students in higher education is less than 4% and that this percentage is much lower than the percentage of Chicanos in the general population (Muhs, et al., 1979).

However, there is not a great deal of information regarding the specific characteristics of this student population. One of the few attempts to gather that kind of data was carried out by Pat Jaramillo and myself (1979) and focussed on college-bound Chicano students. The assumption was that a careful look at this population might suggest some ideas regarding what they are experiencing in high school and some ideas regarding their potential needs in college.

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Data was collected on 213 college-bound Chicano students in five high schools in two Southwestern cities. The results of the study suggest the kinds of problems these students perceived themselves having and the achievement levels at which they were functioning. The Mooney Problem Check List (Mooney & Gordon, 1950) was used to measure the problems perceived by the students, and test scores on achievement tests administered by the school districts were used as measures of achievement levels in math, reading, and English.

Out of the 11 categories measured by the Mooney, significantly more problems were perceived in the area of adjustment to school work, and significantly less problems were perceived in courtship, sex and marriage. Adjustment to school work included problems like "getting low grades," "afraid of failing" and worried about grades"; and courtship, sex and marriage measured concerns like "wondering if I'll ever get married," and "afraid of losing the one I love."

The data from the Mooney, then, suggest that college-bound Chicano students are very concerned about their academic performance. In addition, the data from the achievement tests indicate that the students are generally operating below the mean in math, reading and English. Taken together, the data from the Mooney and the achievement tests suggest that these students want to do well but that many of them probably will have academic difficulties in college.

While the other problem areas on the Mooney were not significant, there was a tendency to report more problems in Personal and psychological relations ("afraid of making mistakes," "worrying," etc.), finances and living conditions ("needing to learn how to save money," "having to ask parents for money," etc.) and the future--vocational and educational ("choosing the best subjects to prepare for college," "wanting advice on what to do after high school," "needing to know more about college," etc.). The students' concern with these problem areas cause one to wonder about the counseling these students are receiving regarding personal problems and their worries about the future. Why, for instance, are college-bound seniors still wondering what courses will best prepare them for college?

While the students who were surveyed were not actually followed to their various colleges and universities, it is interesting to speculate regarding what they confronted there. It would be nice to say that there is concrete data from which to draw. But concrete data does not exist. The one thing that can be said with certainty is that the attrition rate among Chicanos is high (Western Interstate Commission for Higher Education, 1980). And if one spends a few days listening to university

professors, it soon becomes obvious that many of them complain about the quality of their students in general and their minority students in particular. Characteristics historically attributed to Chicano students in public schools are now being attributed to Chicano students in college. Typical comments relate to "inability to think abstractly," "not being able to use logical reasoning," or "being too field sensitive."

These comments appear to be the results of a search for simplistic explanations that ultimately blame the students for the problem. While it is apparent the students do have some deficiencies, the need for these professors to reevaluate curriculum, courses and teaching methods in view of the changing characteristics of their students is hardly ever addressed.

If the need to change is acknowledged, it is usually through the establishment of special service and/or tutoring programs. These programs meet a need, but seldom are their findings and/or approaches integrated into the "regular" program structure. Several examples come to mind. In preparing this paper, I attempted to conduct an informal survey regarding the relative use of a university counseling center by Chicanos. First, the director of the center indicated that no data was routinely collected regarding the ethnicity of the clientele (age, sex, and marital status information was collected) and that he saw no reason why it should be collected.

Second, some data was generated by randomly selecting a month and classifying the counseling center's clientele for that month as Anglo or Chicano on the basis of their last names. While the process used was by no means scientific, the results are worth examining. The clientele of that counseling center for that one month was 12% Chicano, while the university student population is 23% Chicano! If our study of Chicano high school seniors is at all valid and generalizable, the use of university counseling centers by Chicano students should be closer to their proportion of the general student population. That was obviously not the case at the center I surveyed. In addition, the director of that center appeared to be oblivious to the whole issue.

Another example of the same problem is an article that appeared in the The Personal and Guidance Journal in September, 1979. The article was called "The Mexican-American in Higher Education: Implications for Educators" (Huhs, et al., 1979) and would appear to be pertinent to any discussion regarding Chicanos in higher education. However, instead of new insights into the problem the authors inadvertantly offer simplistic ideas that are indications of how far we still need to go.

The authors contend that Chicano students receive less per-

sonal counseling at counseling centers on college campuses because "of the strong role of the Mexican American family in setting role prescriptions and resolving personal problems." This contention is a rather simplistic explanation based on dubious assumptions. Why not because few counseling centers have Chicano psychologists? Why not because the students are going to special service units which at least do have Chicano counselors? Why not because the students go to the few Chicano faculty on campus? Why not because of any of several other variables?

The authors also suggest that most motivation theories and democratic notions of leadership are "U.S. based" and cannot be used with Mexican-Americans. These authors seem to view Mexican Americans as aliens and to assume that notions about democracy and motivation are particular only to America.

These two examples should adequately illustrate the failure to integrate what has been learned from special service and other similar programs. While part of the problem may be the virtual "segregation" of these programs, another may be that there has been little or no systematic examination of the impact that these programs have. The result appears to be counseling centers oblivious to the need of Chicano students and journal articles that oversimplify the issues.

Finally, it can not be assumed that all the seniors who were sampled went to 4 year institutions. A large number of Chicano students move directly from high school to community colleges (Western Interstate Commission for Higher Education, 1980). Those that do transfer to four year institutions are often caught in a philosophical gap between community colleges and those four year institutions.

The essential problem is one of orientation. Junior colleges now see themselves as community colleges and no longer simply offer students the opportunity to pursue degrees. Now they must meet the needs of a heterogeneous student population who come to a community college with varying goals: to transfer to a four year institution, to attain training in a specific trade; to take part in a continuing education program, and so on (Vincent, 1979). Four year institutions, despite statements to the contrary are essentially elitist institutions interested in serving the intellectual elite and are not firmly committed to affirmative action and equal opportunity. Many students transferring from a community college to a four year institution are caught in this gap and often suffer the consequences.

But here too there is an absence of concrete data. What happens to the Chicano student who transfers from a community college to a four year institution? Which ones graduate? Which ones do not? What did the ones that did not graduate need to

help them finish? How could the community colleges have done a better job of preparing these transfer students? Answers to these and other questions are needed in order to plan appropriate services.

Recommendations

In line with the issues that have been identified, recommendations are here presented in three general areas. Recommendations are made regarding possible actions by public schools, universities, and universities working in conjunction with community colleges.

Public school systems need to encourage pupil personel services to identify the specific problems perceived by their Chicano college-bound students and to organize counseling services to deal with those problems. It is already apparent that there is a need to communicate to Chicano students specific information regarding preparation they need to make for entry into college. Other specific areas need delineation.

University counseling centers as well as other offices responsible for delivering services to students should study the use of those services by Chicano students. Surveys and studies could be conducted that would identify the specific needs of those students. Simplistic explanations regarding why Chicanos do not use specific services should be challenged, and more realistic explanations should be sought.

In addition, universities should encourage their faculties to move beyond complaining about the quality of the students to applying their expertise to the problems. Professors in critical areas like English, math, English as a second language, and bilingual education should be encouraged to work together and with special service personnel in an effort to apply the resources of the total university to the problem.

Finally, universities and community colleges should be encouraged to identify the specific problems faced by transferring students. In addition, universities and community colleges need to commit themselves to the notion that they will make cooperative efforts to deal with the problems that are identified.

Conclusion

In conclusion, the increasing number of Chicano students in higher education is a positive move. It is obvious, however, that many of those students will continue to experience difficulties in completing a higher education. It is also obvious that colleges and universities must continue (in most instances begin) to

collect systematic data regarding the needs of Chicano students and to respond to those needs in a systematic fashion if those increasing number of students are to be converted into higher graduation totals.

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UPWARD MOBILITY IN UNIVERSITY ADMINISTRATION

By
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This paper is based upon research conducted for the writer's Ph.D. dissertation study conducted at The University of New Mexico in Albuquerque, New Mexico. This paper summarizes the purposes, procedures, and findings; and presents conclusions and implications of the study.

INTRODUCTION

One of the purposes of the present study was to investigate the social origins and professional training of Chicano administrators in colleges and universities in the five Southwestern states of Arizona, California, Colorado, New Mexico, and Texas. The other purpose was to determine the influence of education, territorial mobility, father's occupation, spouse's father's occupation, and the influence of situational factors identified by respondents on their administrative level. Specific questions were framed to shed light on the social origins and professional training of the subjects and to determine the influence of the above factors on the administrative level of respondents.

Procedures

Using Warner's theory of occupational mobility of elites in American society[1] as the basic conceptual framework, specific questions were framed to accomplish the study's two main purposes.

The sample and the population of the study, which were the same, included all Chicano administrators in two and four-year institutions of higher education in the Southwest who were at or above the level of department chairperson, on state or regular institution funds, and/or tenured. The individual subjects were identified by reviewing published directories, college catalogs, and other listings. In addition, a survey was conducted of all colleges and universities in the Southwest in order to identify additional subjects and verify those already identified. The total number of respondents in the study was 439.

Six separate but related surveys were conducted in collecting data for the study: (1) the survey of college and university presidents, (2) the pilot study, (3) the major study or survey of subjects, (4) the reliability study, which measured the reli-

ability of the major instrument, (5) the verification survey, which measured the validity of the administrator index, and (6) the follow- up study of nonrespondents. The major instrument was based upon instruments designed by Warner and Ferrari. Between fifteen and thirty minutes were required to complete and return this self-administered questionnaire.

The data collected from this questionnaire were coded, key-punched onto computer cards, and transferred to computer tape for analysis. The data were analyzed using three statistical procedures contained in the SPSS manual. The first analysis consisted of various frequency distributions of the data collected during the study. The resulting statistics were used to describe various subgroups within the total population, that is, the administrative levels and subjects grouped according to the type of their institutional affiliation. The second statistical procedure used was the factor analysis program of the SPSS manual. This program was used to reduce the variables preceived by respondents as influential in their appointment to smaller sets of factors. The third procedure was multiple regression analysis, which was used to analyze the influences of the independent variables on the variance in the dependent variable, the respondent's administrative level.

Findings of the Study

The summary of the findings of the present study is presented in five parts: (1) findings related to the social origins and professional training of respondents, (2) findings related to the comparison of respondents according to institutional type, (3) findings related to the factor analysis results, (4) findings related to the multiple regression results, and (5) findings related to the administrative profiles.

Social Origins and Professional Training of Respondents.

The fathers and grandfathers of respondents were mostly unskilled or semiskilled workers, farm and ranch workers, and farm owners. Few were identified in the professions or business. The respondent's spouse's father generally held a higher occupational position than the respondent's father.

Most of the respondents parents had not graduated from high school. On the other hand a high percentage of their spouse's had some level of colleges education with many having earned at least the bachelor's degree.

Most of the respondents and their spouses were born in the United States. More than half of their parents were born in the United States but the majority of their grandfathers were born outside of the United States.

Most of the respondents indicated that they had at least a master's degree with approximately 26 percent indicating that they held the doctor's degree. Six institutions granted almost one half of the doctor's degrees to respondents, six institutions granted 25 percent of the bachelor's degrees to respondents. The disciplines studied most often were arts and sciences, especially foreign languages, at the bachelor's level and education at the master's level.

The mean age of respondents was thirty-eight years. All administrative positions included in the study were represented by the respondents. Most of the respondents were department chairpersons, assistant deans, or associate deans. In order of decreasing frequency, the other respondents surveyed were: directors, deans, vice-presidents or vice-chancellors, and chief executive officers. The schools or colleges in which most respondents held academic rank were, in order of frequency, arts and sciences, education, student services, and business administration.

Comparison of Respondents According to Institutional Type.

The typical administrators described below are described in terms of the variables used in comparing administrators according to type of employing institution.

The typical administrator in a Type I (doctoral-granting) institution came from a father and grandfathers who were unskilled or skilled workers and his father had less than a high school education. His spouse's father was also an unskilled or skilled worker. The administrator's spouse was of the same ethnicity as he (Chicano), had some college education, was a Catholic, and was born in the United States. The administrator was born in the United States. The administrator was born in a small community in New Mexico, and was thirty-eight years of age, was a male, was married with two children, was a Catholic, and was involved in Mexican American civic organizations.

He held the Ph.D., studied arts and sciences at the master's and doctoral levels and obtained his education from a Type I institution. He was appointed to his present position eleven years after graduating with the bachelor's degree, began his professional career as a public school teacher, had no prior administrative experience in higher education, and had been associated as a faculty member with only one college or university.

He was an assistant dean or department chairperson, was in a line (decision making) position, was not tenured, earned $24,000 annually, had published only articles, and was a member of three professional organizations.

The typical administrator in a Type II (four-year college or nondoctoral-granting) institution came from a father and grandfathers who were unskilled to skilled workers or farmers and his father had less than a high school education. His spouse's father was also a worker. This administrator's spouse was of the same ethnicity as he (Chicano), had some college education, was Catholic, and was born in the United States. The administrator was born in a small community in Texas, was thirty-eight years of age, was a male, was married with two children, was a Catholic, and was involved in Mexican American civic organizations. In these characteristics the typical administrator in a Type II institition is similar to the typical administrator in a Type I institution.

He held the master's degree as the highest degree, studied arts and sciences at the master's level, and obtained his education from a Type II institution. He was appointed to his present position eleven years after graduating with the bachelor's degree, began his professional career as a public school teacher, had no prior administrative experience in higher education, and had been associated as a faculty member with only one institution of higher education.

He was in a department chairperson position, was in a line position, was not tenured, earned $22,800 annually, had published only articles, and was a member of three professional organizations.

The typical administrator in a Type III (two-year) institution came from a father and grandfathers who were unskilled to skilled workers and his father had less than a high school education. His spouse's father was also a worker. This administrator's spouse was of the same ethnicity as he (Chicano), had some college education, was a Catholic, and was born in the United States. The administrator was born in a small community in Texas, was thirty-eight years of age, was a male, was married with two children, was a Catholic, and was involved in Mexican American civic organizations. In terms of these characteristics the typical administrator in Type III institutions is similar to the typical administrator in the other two types of institutions.

He held at least a master's degree, studied either arts and sciences or education and obtained his education from a Type II institution. He was appointed to his present position eleven years after graduating with a bachelor's degree, began his professional career as a public school teacher, had no prior administrative experience in higher education, and had been associated as a faculty member with only one institution of higher education.

He was a department chairman and in either a line or a staff position. He was not tenured, earned $24,000 annually, had published only articles, and was a member of three professional organizations.

Factor Analysis Results. Four situational factors were identified by analyzing the responses to the item in the questionnaire asking respondents to rate the variables that were influential in their appointment. The four factors were: (1) political involvement and Chicano contacts, (2) Chicano pressures and contacts in the Chicano community, (3) Chicano concentration or ethnic composition of their institution and community, and (4) affirmative action plans and requirements.

Multiple Regression Results. The results of the multiple regression analyses indicated that the four constructs of Warner's theory of occupational mobility of elites (education, territorial mobility, father's occupation, and spouse's father's occupation) contributed little toward the variance in the respondent's adminisstrative level when entered into the analysis by themselves.

The same was true of the situational factors identified in the factor analysis when entered into the analysis by themselves.

When, however, both factors and constructs were entered into the multiple regression analysis with variables measuring the respondent's experience in higher education, considerably more variance in the dependent variable could be accounted for, approximately 42 percent. The seven independent variables contributing the most to this explained variance in order of importance were:

1. Education.
2. Age when the respondent assumed his/her position.
3. Percent of Mexican American faculty members.
4. Political involvement and Chicano contacts.
5. Spouse's father's occupation.
6. Territorial mobility.
7. Number of years experience in higher education.

The Administrative Profiles. Five administrator profiles corresponding to the five administrative levels of the dependent variable were developed. Respondents in the higher adminis-

trative levels were found to have a higher level of education (all of those in level five had doctor's degrees). The mean age when respondents assumed their present position increased from level one (low level administrators) to level five (high level administrators). The same was true for the mean number of years of experience in higher education.

In addition those in the higher administrative levels were in institutions with fewer Mexican American faculty members, had held positions outside of the Southwest, and generally their spouse's father held a higher occupational position than those in lower administrative levels.

CONCLUSIONS

The conclusions of the study are grouped into three areas: the review of the literature, Warner's theory of occupational mobility of elites in American society, and conclusions from the data analysis.

Review of the Literature

A lot of literature is available on college and university presidents; there are fewer but still plentiful studies on other administrators in higher education. However, empirical studies on the minority administrator, particularly the Chicano administrator in higher education, are all but nonexistent.

Warner's Theory of Occupational Movility of Elites in American Society

Warner and Ferrari[2] have shown the usefulness of Warner's theory in explaining occupational mobility of elites in American business, the federal government, the military service, and higher education in the United States, but the theory, when used alone, explains little of the variance in the administrative levels of Chicano administrators in higher education in the Southwest. Used in conjunction with other factors, it assists in accounting for a high percentage of the variance (42 percent) in the administrative level.

Warner's theory does not take into account recently discovered situational factors and influences in the appointment of minority administrators in higher education. Two of these factors identified in the present study accounted for more of the variance in administrative level than two of the constructs which make up Warner's theory.

Warner's theory must be used with other constructs or theories to explain appointment of Chicanos to positions in higher

education.

Conclusions from the Data Analysis

Over the past ten years the number of Chicano administrators in higher education in the Southwest has increased dramatically. Most of these new administrators were found in administrative positions below the level of dean.

The respondents in the present study were relatively young, 38 years of age, on the averge. Most reached their present position approximately eleven years after graduating from college with the bachelor's degree.

Most Chicano administrators came from parents who were unskilled or semi-skilled workers, farm workers, or farm owners. Most of their fathers and mothers have less than a high school education, and about half of their parents were born outside of the United States.

Education was the most important single factor in accounting for the variance in the administrator's level as measured on an administrator index developed during the study. About 26 percent of the respondents held the doctor's degree and most of the others held at least the master's degree as their highest degree earned.

The majority of the Chicano administrators studied arts and sciences, especially foreign languages, at the bachelor's level and education at the master's and doctor's levels. Most held academic rank in departments in colleges of Arts and Science or the College of Education in their institutions.

There were slightly more Chicano administrators in four-year institutions than in two-years colleges. Those in doctoral-granting universities had more education, earned more money annually, wrote and published more, and more were found in line or in decision making positions below the dean level than those in four-year colleges, non-doctoral-granting universities, and two-year institutions.

A small number of institutions in the Southwest educated the majority of these Chicano administrators.

According to their own perceptions, four situational factors influenced the appointment of Chicano administrators. These four factors were:

1. Political involvement and Chicano contacts.

2. Chicano pressures and involvement in the Chicano community and culture.

3. Chicano concentration or ethnic composition of the institution and community.

4. Affirmative action plans and requirements.

Since Warner's theory of occupational mobility of elites in American society by itself accounted for little of the variance in the respondent's administrative level, other variables and factors were needed to account for more of the unexplained variance. The variables and factors which accounted for the most variance in the administrative level of respondents were:

1. Education.

2. Age when the repondent assumed his/her present position.

3. Percentage of Mexican American faculty members.

4. Political involvement and Chicano contacts.

5. Spouse's father's occupation.

6. Territorial Mobility.

7. Number of years experience in higher education.

Chicano administrators in the higher administrative levels were usually better educated and older than those in the lower administrative levels. They were located in institutions with few Mexican American faculty members and their experience in higher education was greater than those in lower levels. They had held positions in institutions outside of the Southwest. Also, they perceived their involvement in politics and contacts with Chicanos as influential in their appointment. The occupation of their spouse's father was generally a higher position than that of respondents in lower administrative levels.

IMPLICATIONS

Implications of this present study for future research, for training institutions, and for minorities aspiring to administrative positions in higher education are present in this final section.

Implications for Future Research

Warner's theory of occupational mobility of elites in Ameri-

can society was designed for, and has been shown to be suitable, when "descriptive statistics" are used in analyzing occupational mobility such as in the first part of the present study. The theory lacks, however, a procedure of developing and including the dependent variable required in the multiple regression analyzing occupational mobility such as in the first part of the present study. The theory lacks, however, a procedure for developing and including the dependent variable required in the multiple regression analysis used in the present study. This requirement was satisfied for the present study by developing the administrative index (Esquibel)[3]. Future researchers may wish to use the index along with the suggested weights for variables when various levels of administrators in higher education are included in the same study.

When studying minorities in higher education, data on other factors or variables not included in the four constructs of Warner's theory need to be collected and analyzed. This study suggested that an individual's higher education experience, the institution's minority makeup, and the individual's political involvement were also important for minorities in reaching administrative positions in higher education.

When used to examine minority administrators in higher education, Warner's theory must be modified to include the above factors. Perhaps the theory can be modified by studying the individual's career pattern, the type of political involvement, and the institution's ethnic or minority makeup.

Generally the primary data collection instrument used in the study was found to be reliable (Esquibel)[4]. Most of the information requested was of a straight forward nature. The item that was found to be low in reliability, item ten of the questionnaire, asked respondents to rate twenty variables as to how influential they were in their appointment. Table 44 shows that the reliability of this item could be increased when responses were coded into dichotomous classifications instead of the five choices provided the respondents. Therefore, in future research of this type when reliability is a concern, such items should be constructed with as few choices as possible.

As concluded earlier, additional research is needed in the area of minority professionals in higher education. The following areas are suggested:

1. A study of the factors associated with the effectiveness of minority administrators in higher education.

2. A five year replications study using the findings of the present study as baseline data.

3. Studies on other minorities in higher education for example, Blacks, Native Americans, Spanish surnames, and women.

4. A study on minorities in other levels in higher education, specifically the professorial level.

5. A long range study to investigate the possible changes in recruitment habits of institutions in regard to minority administrators.

6. A study comparing private and public institutions in regard to the factors identified in the present study.

7. A study making a state by state comparison of minority administrators.

8. A study of recruitment, retention, and placement in the training of minority administrators.

In terms of the methods and procedures used in the present study, it is suggested that an interview be incorporated in the design of the study in order to obtain more information on the situational factors and other variables. For example, how did the respondents make and maintain political and Chicano contacts? What kinds of pressure were exerted by Chicano students and community members for hiring more Chicano administrators? and, what types of territorial mobility moves were the most beneficial?

Implications for Training Institutions.

A conclusion of the present study was that most of the Chicano administrators in higher education today received their education from a small number of institutions in the Southwest. These institutions, it appears, have a special challenge in the training of future Chicano administrators of higher education. A training activity that one or more of these institutions could initiate is the offering of specific institutes of courses, perhaps as independent study courses geared to the minority administrator. These courses could be for practicing administrators or individuals aspiring to become administrators.

These training activities should be designed toward preparing minority administrators to work in institutions and communities with a high concentration of minority students and community members. The activities should also prepare administrators to make and maintain contact with this minority community and to become involved in politics at the local, state and national levels.

The training should also provide the future or present administrator with the opportunity to become aware of the traditional as well as the alternative career patterns in higher education administration.

Finally, these institutions should encourage the needed research in the area of minorities in higher education (if these institutions do not encourage this area of research, research in this area will probably not be conducted since these institutions graduate the bulk of the individuals who it is expected would be interested in researching the area of minorities in higher education).

These institutions would need to investigate what the above recommendation would mean for them in terms of recruitment of potential college administrators, money needed for such programs, roles of faculty members, retention, and placement of future administrators. An increased role for the administrative internship should also be explored both on a pre-service and in-service basis.

Implications for Aspiring Chicano Administrators.

The factor accounting for the greatest amount of variance in the administrator's level in the present study was found to be education. The higher the level of education an individual has, the better his chances of achieving a high administrative position.

Prospective Chicano administrators should make the attainment of the terminal degree a top priority in their preparation for administration in higher education.

The factor which accounted for the second greatest amount of variance in the administrative level of the respondents of the present study was the age of the administrators when they assumed their present position. Individuals seeking administrative positions in higher education must recognize the fact that the higher administrative positions are filled by older individuals. The third factor accounting for the most variance was the percentage of Mexican American faculty members. It is suggested by the data that most aspiring minority administrators will find themselves in institutions with small percentages of Mexican American faculty members. Minority administrators must be able to work effectively with non-minority faculty members and administrators. They must learn the intricacies of functioning in the higher education setting in view of the finding that most come from the public schools.

The fourth factor identified in the present study was the

respondent's political involvement. Individuals aspiring to the higher administrative positions must become involved in politics at the local, state, and national levels.

Little can be done about the occupation of an aspirant's spouse's father, the fifth factor identified in accounting for variance in the respondent's administrative level.

The next factor was the individual's territorial or geographic mobility. Future Chicano administrators should consider making career moves to positions in institutions outside of their native states. Moves outside of the Southwest seemed to be the most influential.

The final two factors were related to the individual's experience in higher education. In order to reach the higher administrative positions an individual must be willing to acquire experience in higher education as a faculty member and administrator.

Additional Factors Future Research Should Consider

The present study has identified factors in a model which accounts for approximately 42 percent of the variance in administrative level of Chicano administrators in higher education in the Southwest. For future researchers who are interested in improving this model to account for more of the unexplained variance it is recommended that the following factors be examined.

First a factor or index should be identified which can be used to measure an individual's degree of acculturation. The variables included in such a measure should not include those included in the multiple regression analysis runs of the present study. Some variables that could be used in this index or composite measure are: (1) the ethnicity of spouse, (2) religion, (3) country of birth, (4) whether an individual is a first, second or third generation American, (5) Spanish language ability, and (6) types of organizational memberships held by the individual.

A second factor which would measure the individual's personality is recommended. A review of the literature on the personality approach to career development would need to be conducted to identify the personality types which are characteristic of administrators in higher education. The Thematic Apperception Test used by Warner in some of his pilot testing could be reviewed for possible incorporation into the model used in the present study.

The literature on the self-concept approach to career development should also be reviewed to identify self-concept approach to career development should also be factors to include in the model.

And finally the literature relating to the physical characteristics of an individual and their relationship to career development should be reviewed to identify variables which might be added to the model. Variables such as height, weight, hair color, eye color, and skin pigmentation are possibility related to the administrative levels of minority administrators in higher education.

The above recommended factors would have to be researched in the literature, identified, and measured, then included as independent variables in the model developed during the present study.

REFERENCES

1. W. Lloyd Warner and James C. Abegglen, *Occupational Mobility in American Business and Industry* (Minneapolis: University of Minnesota Press, 1955), pp. 4-9.

2. Michael R. Ferrari, *Profiles of American College Presidents* (East Lansing: Michigan State University Business School, 1970).

3. A. Esquibel, "The Chicano Administrator in Colleges and Universities of the Southwest" (Unpublished Ph.D. dissertation, The University of New Mexico, 1977), pp. 188-195.

4. Ibid., pp. 165-186.

FRIDAY FEBRUARY 15, 1980

POST - SECONDARY EDUCATION SESSIONS

9:30 A.M. - 12:00 Noon CONCURRENT SESSION B. River Room

PROGRAM AND PROFESSIONAL DEVELOPMENT AND IMPLEMENTATION IN THE INSTITUTIONAL SETTING

MODERATOR: Norma Hernández

PRESENTOR: Leonard Valverde

Hispanic Academic Needs and Priorities in Institutions of Higher Education for the 1980's

PRESENTOR: Rupert Trujillo -- Given By Phillip Gallegos

Continuing Education: The Hispano Community

PRESENTOR: Gilberto de los Santos

The Program Expectations of Two-Year College Students Transferring to Four-Year Colleges and Universities

PRESENTOR: Patrick Sánchez

Future Student Aid Legislation and Support Programs for Hispanics

PANEL MEMBERS: Evelyn Ortega
Phil Gallegos
Eli Rodríguez
Baltazar Acevedo
Oscar Hernández

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HISPANIC ACADEMIC NEEDS AND PRIORITIES IN INSTITUTIONS OF HIGHER EDUCATION FOR THE 1980's

By Leonard A. Valverde
Professor and Director
Office for Advance Research in
Hispanic Education
The University of Texas

ABSTRACT

I. Present Status

My assessment of the status of Hispanic faculty, student, administrators, programs and services in institutions of higher education is best stated in the following hypothesis: The status of Hispanic academics is in a period of retrenchment and the decade of 1967-1977 could be termed as the decade of access while the five year span of 1977-1982 may be termed the loss of retention. The 1980's seem destined to be a struggle to hold status quo.

The apparent recent losses can be explained from a psychological construct. I content that advocates of equity and human rights have been unable to change the mentality of the power structure, (eg. white males, political influentials and the wealthy). Basically, white population still holds to its misbelief that racial/ethnic low status groups in the United States are inferior.

In an effort to verify my hypothesis of retrenchment, I will attempt to show the IHE's are segregated and still practice discrimination in employment, promotion, student admission, curriculum development, and research.

II. Recommendations for Improvement

If my assessment is accurate, then corrective action must be taken in order to improve the condition. Therefore, I will identify and discuss the following intervening strategies.

1. The enforcement of laws and compliance with policy.
2. Increase private, federal and state funds into program development and research.
3. Assist in the formation and support of Hispanic higher education associations.

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4. Promote and support coalition building among Hispanic associations and national organizations.

5. Appoint more Hispanic scholars to foundation governing boards, research granting agencies and boards of regents.

6. Establish a think tank (institute) for 5-10 Hispanic scholars and intellectuals to be in residence for a year or two.

7. Commission a select group of scholars to develop a comprehensive, long range plan to improve the quality of involvement of Hispanic communities in higher education.

CONTINUING EDUCATION: THE HISPANO COMMUNITY

By Rupert Trujillo
Dean, Division of Continuing Education
University of New Mexico

Adult Americans by the millions are participating in continuing education in programs such as Adult Basic Education; vocational education; traditional academic education; and avocational education. These activities, in some cases carry credit in others there is no credit awarded. Some of this work leads to certificates and still other activities simply lead toward enrichment. Approximately 40% of at least seventeen million adults (1975) are enrolled at two and four year academic institutions.

The great majority of these are persons who:

1. Are employed in the work force;
2. are married and carry different family responsibilities;
3. have been exposed to some post-secondary instruction;
4. are disproportionately white (Hispanics excluded);
5. have relatively high levels of affluence.

In other words, minorities and economically/socially disadvantaged are not participating in continuing education in proportion to their numbers of the eligible adult population.

Additionally and of more serious impact, the rate of participation among these groups is decreasing.

Statistics on Hispanic participation in continuing education as a discrete group are not readily available. When one examines rate of participation in general, one finds an extremely low level of participation by persons from the bottom-end of the spectrum. However, it appears as if a similar condition exists in regard to participation in continuing education of Hispanics even from the more affluent and educated segments.

I'll speak to the latter issue first. As I travel across the country and interact with continuing education administrators, two factors stand out: low level participation in continuing education activities by Hispanics from "middle class" environs, and low level participation by the same group at the instructional level. Is there a correlation between these two variables?

One would assume that continuing education efforts would be administered in a manner which would reflect the pluralistic nature of this country. This assumption is based on the philosophical base on which continuing education rests. As usual, there is a gap between philosophy and practice. Part of the answer for this condition may be the fact that education for Hispanics more often than not has come the hard way; considerable energy was required. Once the world of work is entered, a great deal of time and energy is required to pay off debts; help the folks and keep up with inflation.

In other words, as a group, the Hispanics have not reached the level where education becomes a luxury. Of course, not all continuing education fits under the rubric of luxury but a large percentage of continuing education activities in this country does.

Addressing the first concern -- low level participation in continuing education by Hispanics, in general, and from low socioeconomic backgrounds in particular -- one encounters a most unsettling circumstance. All forms of education in this country have experienced difficulties in reaching people who are indeed from the lowest levels on the economic structure.

In general, the total number of persons in this country who make up the lower structure is increasing at an alarming rate. As the economic picture becomes more grim and more competitive, larger and larger numbers of persons are relagated to this level of existence. Hispanics are well represented in these figures. This circumstance will reach ugly dimensions. Right before our very eyes people exist in almost animal conditions. Inhumanity is all about us. Once man's dignity has been degradated to the animal level one should not be surprised that many are/or will exhibit these kinds of "inhuman" behaviors. These actions, of course, are condemned by persons in positions of leadership/ authority. Across the land we, in education sit on a powder keg. However, we should not be moved into positive action simply because the circumstance is volatile; we should act because we are reasoning and caring beings -- beings who hold human dignity in high regard.

Given the above, what recommendations can one make in regard to Hispanics and continuing education? Let me explore some possible directions and make recommendations:

1. Up until recently the federal government did not recognize (by virtue of funding) support for part-time students; therefore Hispanic groups must become directly involved in helping the government recognize and respond to financial needs of part-time students.

2. Hispanics who have experienced the good fortune of health of body and mind and who hold leadership positions must become involved in two ways:

   a. utilize the expertise found in this group by becoming directly involved on the instructional force of continuing education across the land.

   b. Hispanic individuals must make a personal commitment to participation in continuing education activities offered near their place of residence. The concept of role model is applicable to the field of non-traditional education as well at to traditional education.

Regarding continuing education for those Hispanics who are most segregated and alienated from the main stream of American life, the Hispanic leadership is confronted with a tremendous challenge. In this writers opinion, no longer should we be advocating more surveys and needs assessments. Data from these activities are to be found in every community. Persons belonging to this group have been studied and restudied. What is needed now is action research. The content delivered, of course, is important, but content lies dormant if folks aren't of barrio people. Ways of relating to this segment of the population must be found. Traditional ways of "getting the word out" seem not to work at all. How can traditional modes of information dissemination be modified to effectively reach those not being reached now? What other models can be designed, implemented/tested and evaluated in an effort to reach the "unreachables"? Finally, what roles must Hispanic communities play to insure that educational, political, religious and economic structures are indeed responding to the plight of such larger numbers of persons?

If each one of us leaves this conference without a personal commitment to become more involved; a commitment to add on to our already overloaded schedules at least another hour or two per day; a commitment also to share more of the resources we, individuallly, possess, then I'm not sure that our having been here will make much difference.

Source Material

1. A Special Report to the President and to the Congress of the United States by the The National Advisory Council on Extension and Continuing Education, September 30, 1979.

2. James W. Hall and Barbara L. Kevles, "Democratizing the Curriculum," Change Magazine, January, 1980.

THE PROGRAM EXPECTATIONS OF TWO-YEAR COLLEGE STUDENTS TRANSFERRING TO FOUR-YEAR COLLEGES AND UNIVERSITIES

By Gilberto De Los Santos, Ph.D.
Dean of Students
Pan American University

I am indebted for some of the contents of this paper to Dr. Alfredo G. de los Santos, Jr., Vice Chancelor for Education Development of the Maricopa County Community College District. Also, some of the content is taken from publications written by Dr. Frederick C. Kintzer, Professor of Higher Education at UCLA and Dr. Vincent Tinto, Professor at Syracuse University.

The information provided here is also based on my experiences--seven years as a student at a two-year college, four-year college and university instructor for three years at Southwest Texas Junior College in Texas; one year as Vice President for Instruction at El Paso Community College in Colorado; and my current position as Dean of Students at Pan American University. I have had the distinct privilege of serving in the academic and student affairs areas, and at two-year colleges, and a university.

Given the magnitude of the number of students affected by transfers from two-year to four-year colleges and universities, this is an important issue. According to the latest estimates there are over 4,300,000 students enrolled in two-year colleges this past Fall 1979 semester. Generally, approximately 50% of the two-year college students have an expectation to transfer for the purpose of earning a baccalaureate degree--or higher degree.

The issue of transferability from two-year colleges is even more significant to the Hispanic students. According to Dr. Alfredo G. de los Santos, Jr. "Early in the 1970's, several reports of Hispanic, Chicano enrollment in institutions of higher education indicated that approximately 75% of all Chicanos enrolled in Post-secondary education were enrolled in community/junior colleges." According to Michael Olivas, there were 198,091 Hispanics enrolled in two-year colleges in 1978. Hispanics comprised 5.9% of the two-year student enrollment, as compared to 2.8% of the four-year institutions' enrollment.

There are three key areas which would definitely assist in the success of the transfer function of Hispanic two-year college students. The first is the registration, orientation and assimilation of two-year college Hispanic students into four-year colleges and universities. The registration function should

allow students realistic and fair credit for college work previously completed, as well as experiences which carry academic value. Their transcripts should be evaluated and proper credit given, ideally without too much loss of credits. Students should also be given the opportunity to gain credit through examination. An example of this might be credit in Spanish, as well as credit for courses in which students have some practical work experience. The admissions and registrar's office should have a smooth, trouble free procedure for issuing credit and matriculating students. A large percentage of Hispanic students qualify for financial aid. The financial aid office should be able to realistically, and within a reasonable period of time, inform students to the amount of financial aid for which they qualify.

Secondly, the Hispanic two-year college transfers should be able to find a supportive environment in four-year colleges and universities--Dr. Vincent Tinto compares Durkheim's Theory of Suicide to the college drop-out. Dr. Tinto hypothesizes that like in Durkheim's Theory of Suicide, a student will drop out if he finds the college environment incongruent with the student's frame of reference. That is, when the student feels his values are foreign to the college environment, and finds a lack of support from the college, he generally drops out--or commits educational suicide. Smaller institutions can personalize educational services with less difficulty than larger institutions. Therefore, larger institutions should create sub-cultures such as Hispanic Studies, Hispanic extra-curricular activities and Hispanic student organizations. Hispanic student should be encouraged to participate, on a personal basis, in these extra-curricular activities. Research by Alexander Astin, indicates that students who participate in extra-curricular activities are less likely to drop out of colleges and universities.

In order for four-year colleges and universities to create a supportive environment for Hispanic students, these institutions must have Hispanics in all departments, particularly at the admissions and registrar's offices, financial aid office, student affairs, business affairs, academic affairs, as well as administrators. The faculty are particularly important. According to Alexander Astin, those students who find a faculty mentor are more likely to stay and finish their baccalaureate degree. Yet, according to Dr. Alfredo G. de los Antos, Jr., the ratio of Chicano faculty in institutions of higher education in the Southwest is 100 to 1. That is one Mexican American faculty member to every 100 Mexican American students! The ratio in most institutions of higher education is 20 to 1 for all faculty and students.

Admittedly, the expectations of Hispanic students as they transfer to four-year colleges and universities is no where near

being currently met. Higher education institutions still have a long way to go before they can claim some semblence of success. However, if these institutions are to be successful, they must try to meet the students at least to the best of their available resources.

FUTURE STUDENT AID LEGISLATION AND SUPPORT PROGRAMS FOR HISPANICS

By Patrick S. Sánchez
Assistant Vice Chancellor for Academic Affairs
University of Colorado at Boulder

I have been asked to speak today on the topic of Future Student Aid Legislation and Support Programs for Hispanics.

I would like first of all to thank the organizers of this Regional Round Table on Hispanic Education for this opportunity to address you today.

It was interesting to note that our newly appointed Secretary of Education, Shirley M. Hufstedler, has stated in her letter to those of us attending this conference that: "providing equal educational opportunity for Hispanic children and youth is high on the agenda of my priorities for the new Education Department." Not being as optimistic as some, I would say that only time will tell how this is translated into action. It is my sincere hope, as it undoubtedly is yours, that today is the beginning of a new effort to translate this statement to mean that the top priority on her agenda is the educational opportunities of Hispanics.

As an introduction to my topic, I would like briefly to discuss what the status of Hispanics is in higher education today. I say breifly, because as you can see from the conference agenda, others will speak more specifically about particular issues which I may introduce in my presentation.

First, we are all aware that Hispanics in this country are the fastest growing minority group, numbering somewhere between 19 to 21 million or approximately 9% of the total population.

Presently it is estimated that Hispanics have increased at a rate of about three (3) percent per year over the past five (5) years. At the present rate of growth it is estimated that Hispanics will become the largest minority group in the United States by the end of this decade. This fact is of great importance to those of us in higher education as we translate our numbers into our present degree of disparity within our institutions, and what this will mean in the 1980's.

Even to the most casual observer, it becomes evident that Hispanics are the most under represented group in higher education enrollments today, and the future does not appear much brighter.

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One needs only to study the National Center for Educational Statistics Higher Education General Information Survey (HEGIS) report entitled "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1978", to realize this disparity. I recommend that everyone here be familiar with the data presented on a state-by-state basis.

While I will not attempt to present this data today, I would at least like to point out some facts that we must be aware of, if future considerations for supporting Hispanic programs is to be successful. I must also note that I will cite examples from the Colorado HEGIS report. However. I believe that they are closely representative of data for most states in this region.

First, the overall participation rate of minority students in Colorado Higher Education is lower than the overall minority representation in the state's population (11.5% compared to 18.8). The ratio of minority population in Colorado Higher Education to minority population within the general population in Colorado is .612 and is essentially the same ratio as that of the nation (.602). The estimated Hispanic population as a precent of the state population is 13.67% (as of July 1, 1978). Other minority groups represented are:

American Indians	.47 %
Asian American	.93 %
Black American	3.78 %

The most significant figures in the HEGIS report are, that while Hispanics in Colorado Higher Education comprise 43.5% of the total minority enrollment in the Fall of 1978 they represent only 6% of the the total enrollment in higher education, and have seen an increase of only +0.6% from the Fall of 1976. This represents an increase from 9,028 students (Fall, 1976) to 9,083 (Fall 1978). Of greatest concern is that there has been a decrease of 3.2% of Hispanics in the public four year institutions. The largest losses at the University of Colorado (-20.1%) and at the University of Southern Colorado (-17.5%), which is located in the center of one of the state's largest Hispanic communities.

I present this information as my own basis of concern for Hispanics in this new decade, and to indicate that our concerted effort must be in persuading the powers to be that greater commitment must be made for the equality of education for Hispanics in this nation.

This commitment must begin with the assurance that the Hispanic youth in this country will share in a fair and equitable manner in the Student Aid.

Federal financial aid programs play a critical role in today's post-secondary education system as billions of dollars are channelled into student grants and loans each year.

Federal aid programs began in earnest in the late 1950's after the G.I. Bill proved children of lower and middle income families had both the ability and desire to attend college if they had the funds to pay for it.

Congress passed the first major federal student aid legislation in 1958, called the National Defense Education Act (NDEA). The purpose of the act was to provide low-interest, long-term loans to needy students whose academic abilities and choice of curriculum qualified them.

The need for increased federal aid was again felt in the early 1960's. President Johnson's Economic Opportunity Act of 1964 supplied more opportunities with jobs for low-income students through the College Work Study Program. At this time, private institutions were raising the question of choice in education. They noted that increased accessibility was not enough, but that freedom of choice for a student was necessary whatever the cost of the institution. To respond, and "provide an equal opportunity for all students," Congress passed the Higher Education Act of 1965.

There were two major parts to this Act. The first, the Educational Opportunity Grant Program authorized the first federal program on non-repayable grants of up to $1,000 for students from low income families. This was the first program to aid solely on the criteria of need, and was the predecessor of today's Supplemental Opportunity Grant Program (SEOG). The Gauranteed Student Loan Program was the second important outcome of the 1965 Educational Funding Act. Its purpose was to encourage commercial lenders and banks to loan money to low income students who otherwise might not be able to qualify for credit. The federal government insured these educational loans thus permitting students, from both middle and lower income brackets, access to higher educational institutions.

In 1972, major revisions were made to the 1965 Higher Education Act. It had been proven that existing financial aid programs were not sufficiently meeting the goal of equal opportunity for postsecondary education. As a result, the education amendments of 1972 established three additional programs.

The Basic Educational Opportunity Grant (BEOG) provided access to postsecondary education by insuring each student a maximum grant of $1,400 a year. The actual amount of the grant depended upon the student's family income and the expenses required

by his/her selected institution. The BEOG program was succeded by the Supplemental Educational Opportunity Grant (SEOG) program designed for students with exceptional financial need. The State Student Incentive Grant was the third part of the 1972 amendments. It supplied incentives for individual states to establish state scholarships and grant programs. These would be awarded on the basis of need. All six existing programs continued with few changes except for tighter administrative procedures to control abuse and defaults, and higher ceilings for the BEOG grants to $1,800.

Recent legislation now includes the Middle Income Student Assistance Act of the 95th Congress in 1978. President Carter's proposed one billion dollar increase was added to direct student assistance programs. Students previously unable to apply for federal assistance will now benefit from these funds. This increase is the largest since 1944.

Federal loan programs have become the fastest growing component of federal student assistance. In fiscal year 1980, the Administration proposed budget will provide for $640 million in National Direct Student Loans allowing some 902,000 students to obtain NDSL. / $2.6 billion will be loaned by banks and other eligible lenders under the Guaranteed Student Loan Program to provide 1,160,000 loans. The total amount to federal funds spent for all student aid in FY '80 is recommended to be $3.63 billion, yet many Hispanic students either will not qualify or will remain unaware of available monies and thus cannot begin or continue their education. Often, even those students who receive aid cannot afford to enroll in institutions of their choice. The rising cost of education is outdistancing the funds available and thus the competition for the federal assistance dollar now makes it difficult for many Hispanics to enter postsecondary education.

The issue then, that we must address in the 1980's is one of commitment of both federal and state financial aid funds for Hispanics. Unlike the Black American, Hispanics have no funds in student aid that is specifically allocated to them through the Black Colleges and universities. In fiscal year 1978 approximately $192 million were allocated to Black institutions in the form of student aid. This does not mean that I propose we take from our Black community to give to our Hispanic community. What I propose is that federal assistance in student aid be directly committed to Hispanic needs. This, I believe, can be done if commitment to equitable distribution of funds is made. As an example, in Colorado, according to the Colorado Commission on Higher Education report of State-funded Student Assistance at Colorado Public Colleges and Universities 1978-79, White Anglos's make up 87% of the college population in the state and are 77% of recipients of State funded aid. More importantly

in Colorado, while Hispanics made up 16% of the recipients of need-based grants and Anglos 71%, Hispanics were only 5.5.% of the recipients of scholarships while Anglos represented 91% of the recipients. At the graduate level, Hispanics represent only 10% of the graduate aid recipients while 76% of the recipeints are Anglo. It is also interesting to note that while the Black American represents 3.78% of the state population, they represent 11% of the recipients of the graduate aid funds. Other state scholarships such as athletic awards demonstrate other inequities for Hispanics in state aid funding. While Hispanics represent 3% of the athletic award recipients, Blacks represented 9% and Anglos 86.5%.

It can be assumed with a high degree of accuracy that a similar study of federal assistance to students in Colorado will reflect much of the same data, if not worse. Therefore, an equitable re-distribution of funds is essential in the 1980's if Hispanics are to avoid becoming an endangered species in higher education.

Now I would like to address the second part of this presentation,

Support Program for Hispanics.

Several trends in Federal policy for postsecondary education has emerged since 1946.

1) An increase in the magnitude of Federal support and its continuing share of support for postsecondary education.

2) A shift from categorical aid in times of crisis to continuing aid.

3) Increase in effort to extend equal opportunity for postsecondary education by removing economic, racial and religious barriers.

4) An increase in diversity of program in contrast to limited scope of traditional higher education.

5) An attempt to coordinate federal, state, and institutional programs.

6) An increase in support of private institutions of higher education.

7) As implied by extension of equal opportunity, an effort to raise the minimum level of education through the whole population, rather than to those who traditionally could afford it.

While funding alternatives have grown since 1970, and in some respects used by Hispanics, the funds are still not sufficient to meet the growing needs. The competition among institutions for state dollars increases each year while the revenue shrinks, and the cost of higher education continues to rise. This in turn has accelerated the competition for federal funds provided through the Higher Education Act. One may even say that, "the competition is increasing in proportion to the state dollar crunch felt by each institution." Greater numbers are seeking to use federal funds in hopes of partially offsetting their state revenue losses. Increasing numbers of institutions have jumped on the federal bandwagon, as can be attested by the number of positions announced in the Chronicle for grantsmen and private fund raisers. Less and less institutional commitment to minority programs, such as TRIO based programs (Title IV), will be forthcoming. Such programs will be left to fend for themselves in the federal arena for survival. The implications for Hispanics is a Catch 22. On the one hand we will first need to compete on behalf of the institution at the national level for such funds, and if successful, we must then compete internally within the institution for equal representation within the programs.

At yet a higher level, the under representation of Hispanics in graduate studies is extremely significant. In a recent study published by WICHE, entitled "Representation of Minorities in Higher Education In the West, 1975-76", Hispanics nationally comprised 2.0% in graduate schools and 1.9% in first-professional schools. Of a total of 384,164 graduate degress granted in 1975-76, only 6,774 Hispanics (1.6%) were recipients of these degrees. Masters degree: 5,299; Doctorate: 296; First-professional: 1,079. A study in 1979-80 would probably see little increase in these figures. It might have even decrease.

The implications of this data goes beyond the degree itself. It prevents the growth of Hispanics as a professional group. It delays the creation of Hispanic leaders in Higher Education. It continues to prepetuate the void of qualified (by traditional standards) Hispanic faculty. It prevents us from establishing and continuing the research and scholarly work essential for solving the problems that exist in our communities today, as they have for the past four decades. There then needs to be a direct commitment by the institutions, by state and federal funding sources, to give greater and direct support to graduate programs for Hispanics. There must be direct and sufficient support for

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future research by Hispanics toward solving problems that affect the quality of life for all Hispanics toward solving problems that affect the quality of life for all Hispanics. Future research and studies, because of the authority they carry as "objective professional documents", are social facts with implications for policy-making; they are not neutral management documents and have a large influence on the way things will be.

The major issues for support for Hispanos in the new decade can be outlined thus:

1) The funds and support for Hispanos in self-determining their role in research and scholarly work, in all major areas involving the quality of life for Hispanos, i.e., Social Science, Economics, Public Administration, Education, etc.

2) Significant commitment by federal granting agency (OE) to support graduate fellowships and graduate programs for Hispanos.

3) Significant funds by the Department of Education to provide programs of mobility for our limited Hispanic scholars to direct research at various instititions where Hispano graduate students are found in significant numbers.

4) Significant levels of funds made available to support the effort of Hispanos to improve the quality of education in the elementary and secondary schools, i.e., Bilingual Education, Head Start, Upward Bound, etc.

5) Higher levels of and commitment to support Hispanos efforts to continue making higher education accessible to Hispanic youth. Also to those programs for providing services to the student.

6) Support the establishment of a National Network of Centers of Excellence for Hispanic Studies, research and teaching throughout the U.S.

In closing I would like to say to you, that while my presentation may sound somewhat pessimistic I can assure you that I am optimistic about the 1980's. We need only to determine whether we intend to inherit our future or whether we wish to create it.

SUMMARY of Concurrent Session B--Presider Norma G. Hernández

Program and Professional Development and Implementation in the Institutional Setting

Recorder Alicia Travelle

Presentors:

Leonard Valverde--"Hispanic Research Needs and Priorities for the 80's." Higher education in Texas is segregated and discriminatory. Students not enrolled in the University of Texas or the Texas A&M systems are step children. Most Chicanos are not in the two major systems. Most are going into Community Colleges.

In Texas, enrollment is increasing across the board. We are graduating more Mexican American from high school today than ever before.

We should not be deceived that we are competing for national resources or that our enrollment is going down as in other states.

Mexican Americans should be wary of Boards of Regents and College Presidents who are quick to say they will develop programs but they turn out to be remedial and will not count for a degree.

Rupert Trujillo--"Continuing Education". Many Chicanos are participating in remedial programs through continuing education. The rate of participation, however, is decreasing. Chicanos cannot have the luxury of an education. Action research is needed. We must develop new ways to reach the "unreachables." The proportion of persons from lower socio-economic-status is increasing. The educational opportunities must be brought near the place of residence of these people.

Gilberto de los Santos--"Program Expectations of Two-Year Students Transferring to a Four-Year Institution." Transferability of credits is a critical area. The transfer functions that need to be considered are registration, supportive environments and recognition of students' strengths. Students must receive credit for transfer units, realistic orientation that includes financial aid.

Patrick Sánchez--"What is the future Student Aid Legislation and Support Programs for Hispanos." Hispanics are the most underrepresented minority in institutions of higher education. There are heavy losses inenrollment in Colorado. Ability to finance an education is a critical factor. Financial Aid officers

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are generally not Hispanics. The Federal Assistance Act should be carefully scrutinized. Many students are not aware of the federal assistance available to them.

Reactors

Ceasar Trimble--Articulation for Mexican Americans between Community Colleges and Universities is very important. Loss of credits become very costly for Hispanics that transfer. Intra-institutional student linkage is very important. Our role in the 80's is to influence attitudes at the institutional level.

Oscar Hernández--We must become involved in the political arena. Retention and access to postsecondary education of students required information to flow to students and they need encouragement from faculty mentors.

Evelyn Ortega--Funds to increase equity and educational improvement are available. Research agendas, however, relate to Hispanics only as an afterthought as far as equity is concerned. NIE does not represent equity for minorities in any sense. We need to confront the Institute for facts and figures.

Phil Gallegos--The administration level of IHE's reflects a medieval structure--a diffuse system that is very difficult to deal with. Continuing education is an area that needs to be exploited completely. Hispanic priorities do not seem to be a pressing agenda in many IHE's.

Eli Rodríguez--In continuing education we need to make sure that the federal funds are spent on what they are provided--not only for the younger students, but for the older ones as well. We need to make certain that students are counseled and channeled in the right direction. Information needs to be provided not only to the schools but to the community and parents.

Recommendations

A general strategy might be necessary. Rethink the issues--While increasing our political activity, we may also need to think in terms of what kind of an impact in the institution we can make (special kind of institutional politics?).

We need to seek resources available--other Hispanic Alumni in the communities may help as mentors, etc. Formation of advisory bodies for financial assistance programs at the IHEs.

Direct involvement in the funding of programs--submission of names of persons to read and review the funding proposals, etc.

Use the electoral power of LULAC and GI Forum to help the Hispanic students get into post-secondary programs of their choice.

Need for immediate action-legislation is underway and we need to look at it now as it affects the Hispano.

Redistribution of financial aid needs to be recommended.

Immediate development of plans of action that will follow through in the event the report of this conference gets shelved. Submit to Gil Chavez' office.

Formation of an Accreditation Association--form a national network of persons to serve in such an association for Hispanic Education.

1. Provide help and support for Hispanics to conduct research.

2. Significant commitment to support graduate programs and fellowships.

3. Allowing for Hispanics to conduct research, etc., in other institutions.

4. Support for elementary and secondary programs that will help Hispanics (such as bilingual education).

5. Support for programs that will help Hispanic students while at the Colleges.

6. Support the establishment of a National Network of Centers for Excellence of Hispanics.

FRIDAY FEBRUARY 15, 1980

POST-SECONDARY EDUCATION SESSIONS

9:30 A.M. - 12:00 Noon CONCURRENT SESSION C. Hemisfair Room

IS THERE ACCOUNTABILITY IN AMERICAN HIGHER EDUCATION?

MODERATOR: Alicia Cuarón

PRESENTOR: Orlando Rivera

Are University Administrations Accountable to Minority Education Needs?

PRESENTOR: J. Leonard Salazar

Power Politics and Policy Formulation of American Higher Education: The Hispanic Agenda for the 1980's

PRESENTOR: John Soto

Accountability in the Health and Social Work Fields: Education and Training

PRESENTOR: Michael Sánchez

Higher Education Accountability vs. Equal Education Opportunity

PANEL MEMBERS: Frank Alejandro
Tito Guerrero
Abel Acosta
Gloria Rael
Norma Foreman

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ARE UNIVERSITY ADMINISTRATORS ACCOUNTABLE TO MINORITY EDUCATION NEEDS?

By Orlando Rivera
Associate Vice-President for Academic Affairs
University of Utah, Salt Lake City

"No hemos venido para trabajar para la universidad, sino que hemos venido para hacer que la universidad trabaje para nosotros".

José Vasconcelos

In order to make the university work for us to meet our minority education needs, we need to understand its purpose and mission and know how Institutions of Higher Education work.

In the days of the Greeks there were two classes of people, the liberals or free people, and the slaves. There were two types of education, that was provided for the liberals, intended to teach them to enjoy life and to add to the quality of life of their community. The slaves on the other hand were taught skills, so that they would be more productive workers, but obviously the were not given the opportunity for a liberal education, as they would begin to think for themselves and before long they would refuse to be slaves.

Today, as minorities, we have to consider what type of education we want for our young people. We won't disagree when we ask that they learn the basic skills of reading, writing and arithmetic, and that they have saleable occupational or professional skills, but we must also insist that our youth develop the capacity to analyze the world around them, and that they begin to question and to seek solutions to sociological problems and most important of all, to return to and add to the quality of life of their community.

For the purpose of this discussion we need to define minority education needs. There are many needs, but generally we refer to these that will make us full participants in these institutions and include; 1) the admissions of Hispanic students into institutions of higher education and all of the programs, professions and opportunities represented, 2) the appointment of faculty and staff to positions at all levels of the occupational hierarchy and in all job categories, 3) the development of support and service programs for the students, and 4) the development of ethnic studies programs and course offerings.

The Hispanic community is certainly in need of the services

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of the institutions of higher education. These may be the most important key to our social mobility and unless we want to continue to be fodder for a cheap labor force for this country, we must be participants and experience success at all levels of education. Hispanics represent a substantial community in the United States that must be regarded as a constituency of the institutions of higher education, and as such those institutions must be cognizant of and responsive to its needs.

How will university administrators be made accountable to the higher education needs of minorities? Only if they are willing to own these as their obligation. How can they be persuaded to accept the education of minorities is their responsibility? There are various strategies, and Dr. Leonard Salazar will address this issue. the point is that the goal has to become one of the accepted and stated objectives of the institution. After this objective has been accepted at the top level, then it has been accepted at the top level, then it has to be effectively communicated to subsequent levels, and each of those have to understand clearly that this is an established objectives are stated in measurable terms and will be more effected if they are tied to the budgeting process.

Institutions of Higher Education vary and range from technical schools and community colleges to universities that emphasize graduate school. They also vary with respect to their management styles. Some thave a centralized administrative appartments. Higher education may be unique in that the various disciplines represented are highly specialized and oriented to ward specific professions. These characteristic of Institutions of Higher Education may tend to distribute the decision making process since only those in a particular area are allegedly able to pass judgement on their colleagues or peers; i.e., only lawyers can judge lawyers or sociologist the works of other sociologists, etc. Under these conditions, the central administration may allocate the budget or even the FTE a department have, but the selection process for admissions or employment is deferred to those areas. Therefore, it is not enough for the president of a university of college to be committed to a program for minority education needs, that committment has to be transmitted to each level and within each unit.

Objectives need to be explicitly stated. They should be set at the beginning of the review period and if necessary they can be revised and validated with time. The more specific they are the better; i.e., the numbers to be acheived, the time in which they are to be accomplished in, etc. At the end of the period the managers will be expected to report on their progress, explain why any goals were not met or suffer the consequences.

After the objectives of minority education are established at all levels a monitoring system has to be set in place and every action proposed has to be reviewed before the selection is made. For example, if a department proposes to hire a faculty member, that department should have to gain approval for that appointment. This process includes writing a position description that is explicit with respect to minimum qualifications, the education and experience required, where recruitment will be conducted, a listing of the advertising to be done with a copy of the ad reflecting the job description, a clear application deadline, the composition of the search committee, and funding necessary to employ the person. If all of these provisions are met, then the request is approved. After the appointment is made the completed process is reviewed to ensure compliance with the rules and regulations. Violations need to be dealt with, but the managers are the ones to do it. If infraction of the process occurs, the cognizant vice president should be the person to straighten it out in his/her unit, not a staff member of an EEO officer or someone from the personnel department. You have to let managers manage! To meddle with their areas is an intrusion and allows the manager to abdicate their responsibilities and consequently the subversion of the accountability process.

Managers, in this case, Deans, Department Chairpersons, etc., are reviewed on a periodic basis. These reviews should take into account the performance standards criteria. If the minority educational needs are among these objectives, then measurable progress toward them can be evaluated. In this way university administrators can be held accountable, and how they realize these goals should determine how they recognized and rewarded for their efforts.

POWER POLITICS AND POLICY FORMULATION OF AMERICAN HIGHER EDUCATION: THE HISPANIC AGENDA FOR THE 1980's

By Dr. J. Leonard Salazar
Program Director
Western Interstate Commission for Higher Education

This is one of several regional conferences taking place this year. I believe we would all agree that it is always a satisfying opportunity to be able to meet and discuss education, socialize with one another, and on this occasion to discuss the challenges of another decade. There are many friends here that I have not seen in a long time and I, like you, will take this opportunity to re-establish old friendships and make new acquaintances. It is my hope that these old and new ties will provide us with the strength and fortitude to cooperate together so that we may improve the posture of the Spanish-speaking in American higher education.

The purpose of this presentation is to explore with you the pressure points in higher education policy formulation, the politics of this endeavor, and what we need to do as a growing and important segment of the U.S. population to benefit more directly from the resources of our nation's higher education system. There are many areas of concern and numerous problems that the Hispanic population must face in higher education. Allow me to briefly provide an overview of only four areas of concern, these are access, financial resources, professional mobility, and equitable representation in higher education.

Access. According to a recent report published by the Western Interstate Commission for Higher Education, the Spanish-speaking are the largest minority group in the West. Yet they are the most underrepresented in undergraduate enrollment in higher education institutions in the West. Over ninety-two percent of the Ph.D. recipients in a recent year were white and there is almost a complete absence of Hispanic students in the science, health, and engineering areas of study. Minority student enrollments in the West are more concentrated in the two year institutions. Nearly 63 percent of all minorities are in two-year institutions and in California the figure is 81 percent. The actual head count in these same two-year institutions and throughout the country are not impressive at all. Access is a problem.

Financial resources in 1972, I gave a speech in Chicago on Commissioner Marland's career education thrust and at that time I analyzed federal financial support for Black institutions. The total federal outlay for Black colleges was nearly $356 million.

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While this financial commitment may or may not have been adequate, the point is that even at "minimal levels," federal assistance has made a difference for Blacks. The amount constituted 10 percent of the total federal contribution to higher education.

The financial stakes are far greater at the state level. In 1977, federal aid to education amounted to 10 percent of state-local expenditures. In the states of Texas, Colorado, New Mexico, and Utah, the appropriation in 1978-79 for higher education was over 1.5 billion dollars ($1,526,058,000). In this same year, there was a 13 percent appropriation increase in Texas over the previous year. In Colorado, it was 15 percent. In Utah it was 28 percent, and in New Mexico it was 36 percent. In Texas, higher education per year costs the taxpayer over a billion dollars. In New Mexico, it's nearly 115 million, in Utah 132 million, and in Colorado the state appropriation is over 237 million. The interesting point is that in each of these four states, the appropriation per capita ranges from $90.61 in Colorado to $104.14 in Utah. Each and everyone of us are being taxed and are paying for someone's higher education. Statistics show that "that someone" is not a Hispano. We need and should demand a greater percentage of the financial resources available to higher education.

Professional mobility. Tied closely with financial costs for higher education is the inadequate numbers of Hispanos working in higher education and the professional mobility of those employed. The National Center for Educational Statistics, in 1972, published a report which outlined the employment in institutions expressed in full-time equivalents. These were 718,000 (717,911) persons in the professional areas, over 428,000 (428,078) institutional faculty, nearly 611,000 (610,724) non-professionals totaling nearly 1.8 million (1,756,713) persons employed in higher education institutions in 1972. I am presently involved with compiling data on the representation of minority faculty in higher education in the West. The four questions most frequently asked concerning minority employment are: How many? What is their status? How much do they earn? and Where does their salary come from? My hypothesis is that there are not too many of us. Promotion and tenure are slow and practically non-existent. Our earnings are probably competitive, and the bulk of funds for minority faculty salaries comes from sources external to the place of employment. "Soft Money" is not listed in the glossary of the International Encyclopedia of Higher Education, but a great number of minority faculty have lived with that definition all of their professional careers. Instead of performing research, they are assisting their communities, writing proposals for their economic survival, and serving on institutional committees. When the data on minority promotion

and tenure surfaces, it, in my opinion, will be yet another inditement of American higher education. At the present time (1978-79), 96.3 percent of all professors are tenured. The figure for associate professors is 85.1 percent and for assistant professors, it is 34.9 percent. The question of equity in employment, in salary levels, and in promotion needs to be addressed and pursued with a great amount of vigor.

Governance. Governance is another important problem area. Over thirty years ago, in 1947, Hubert Beck, in a landmark study on institutional governance concluded that the elite class (based on wealth, background, and role in society) control the University. In 1969 the Hartnett study and my own research documented in 1977 and 1978 vividly illustrates that nothing has really changed in 33 years. Minority representation and especially Hispano representation on institutional governing boards, state higher education boards, and other types of policy boards is practically non-existent. At the state board level, as an example, only 1 percent of a national sample in 1976 were identified as Spanish-speaking. The democratic process for Hispanic selection and representation on higher education boards in the United States is totally inadequate. This is especially true when one reflects on the fact that the U.S. is the fourth largest Spanish-speaking nation in the world. A major thrust has to be initiated in these most important areas of policy development.

The basic question that has to be asked is: Who formulates the policy and future directions of American higher education? Is it the student? Is it the faculty? Is it the president of the institution? Is it the state legislature? or, Is it the federal government? Who in your opinion is the individual most responsible for guiding American higher education policy in your state? That, my fellow colleagues, is the basis of understanding the power politics in higher education. How Hispanos become a part of this process is a most important task for the 1980's.

At the present time, twenty states are evaluating their higher education systems. An embargo on establishing new post-secondary institutions is being suggested in Texas. President Carter is asking Congress to approve a 5.4 billion dollar budget for Fiscal 1981 for higher education. (15.5 billion for all of education.) How involved are the Spanish-speaking in these and other important activities in higher education?

Let's briefly review this policy question historically. Early in the evolution of higher education, small groups of faculty determined policy. Jasper Adams in 1837 stated that "no college has flourished in which the trustees have not been willing to concede to the faculty the rank, dignity, honor, and influence which belong essentially to their status." Furthermore, he pointed out that "faculty have the right to decide the internal matters of instruction, discipline, and administration."

At the end of the 19th Century, students asserted themselves and they viewed their academic experiences differently from the faculty which prompted a scholar to call it the "awful chasm." Students demanded and received an opportunity to choose their subjects which was officially known later as the elective principle.

The rise of administration occured when Andrew White at Cornell, Eliot at Harvard, and James Angell at Michigan came to power. They were agressive, bright, sophisticated and progressive. They reuled without a large bureaucratic staff and in this sense they were still traditional in their methods. The flavor of their persuasiveness and power, however, was mot impressive. A faculty member once asked, howe is it that the Harvard faculty has gone for eighty years managing its own affairs and doing it well--and within three months it is proposed to change all our modes of carrying on the school. Eliot immediately spoke up by saying "because there is a new president."

A second stage of administration took place during the early nineties and it has never stopped. These were the years when Harper forged the new University of Chicago and Butler influence Columbia. Angell and Eliot in turn seemed old-fashioned almost overnight. The new administration functioned like a well-run bureau. The cry from faculty at the time was that the mangerial staffs were running away with the American university.

During the next 80 years of the University, the learning bureacracy became so powerful that state legislators trembled when the Ivory Tower spoke. It was the Governor, however, who wrapped his state elective and administrative powers around the horns of academic administration. This was done in many ways but budget control and oversight was the most effective. State commissions were created or augmented in a way which provided the Chief Executives with data, including budget information. Some of these commissions were governing in nature and others had a coordinating role. The key ingredient was that both types have investigative powers. These state commissions in most cases have grown from one-man organizations and small budget allocations a few years ago to very complex organizations with enormous budgets. Members on these commissions, in most cases, are appointed and essentially report to the Governor. This gubernatorial institutional watchdog now has information and data which is utilized by the governor in the budget process. This information and data leading to budget requests was at one time only in the hads of the university president.

The legislative bodies, not to be outdone by the chief executive, created their own investigative and audit bodies, so they could watch not only the governor, but the intellectuals at the

university as well. During this complex oversight bureaucratic evolution, the appropriations for higher education and the funds utilized to staff state commissions, legislative committees, and other state personnel did not get lower, but they grew even greater. I do not want to debate the question of whether or not these state layers of bureaucracy are necessary because it is essentially the mode of the day. One undefensible point is that Hispanics are paying equal shares of this tax burden and not receiving the dividends --the benefits that the majority population is receiving--90 percent of the undergraduate degrees, nearly 93 percent of the graduate and professional degrees, good pay, steady promotions, memberships on policy boards at all levels, and strategic appointments at the State and institutional levels are apparent and well documented.

When the U.S. Office of Education gave me this assignment they suggested that each presentor outline three problems and provide solutions to those problems. I do not know if any prescribed solution to any problem will be adopted by the federal government due to constitutional restrictions. As you know, education is no mentioned in the Constitution of the United States. Education is an activity that is preserved for the individual states. When a solution is presented to the federal Government it should be clear that any prescribed action is within the limitations of the law.

I have alluded to several problems in general terms. Let me be more specific. The problem is underrepresentation or no representation at all.

--underrepresentation at the undergraduate and graduate levels

--underrepresentation at the institutional governing board level

--underrepresentation at the state higher education commission level

--underrepresentation at the federal advisory and employment levels

--underrepresentation at the associate and full professor levels

--underrepresentation at the national higher education organization level.

The problem is far greater than simple access. It is a policy question. Always remember that presence is the key to ef-

fective education policy participation. The policy formulators in American higher education, in many cases, are not even educators. The debates are not like they were when a small core of faculty directed the activities of an institution in the early 1800's. The debate today is not about pedagogy; it is about money and power to put it where you want it. Power is synonymous with resource allocation. It is also the ability to swing the pendulum of intellectual thought in a certain direction. Let me give you an example: most recently, the Carnegie panel stated that enrollment declines will create a new academic revolution. Clark Kerr has specifically indicated that there are unknowns such as the international situation and the draft. Very soon you will see increased activity in international education so foreign students from Iran and other countries will not continue to be lost in the enrollment files of the institution. One thing is very clear to me. One known that is unknown to Carnegie and Clark Kerr is the enormous potential pool of Hispanic students in this country. Why has Carnegie not focused in on the Hispanic? There are probably many reasons, but one basic reason is not underrepresentation of Hispanics as members of the Carnegie Council on Policy studies, but no representation at all. This has to be corrected and I urge this conference to recommend inclusion of a Hispanic on this important policy panel.

Also at the national level, the Spanish-speaking comprise 3.3 percent of the U.S. Office of Education work force. Here we have some representation, but let's not assume that when the dust finally settles and the new Department of Education is functional, that we will have adequate representation. I recommend that this Body, at this precise moment in time, through an effective process, let the White House and Secretary Hufstedler know that we are greatly concerned about Hispanic representation in the new department. A special emphasis should also be placed on the representation of Hispanics on Commissions which are appointed by the President and the Cabinet.

In 1977, the federal contribution was 10 percent of state-local expenditures in education. It is projected that federal aid to education will increase dramatically in the future and we need to articulate our need and have effective individuals to represent the Hispanic population when resource allocation is being determined. This is a priority.

At the state level it is important to have a policy voice if equity in employment and enrollment in institutions is to be faculty directed the activities of an institution in the early 1800's. The debate today is not about pedagogy; it is about money and power to put it where you want it. Power is realized. State higher education executive officers, institutional heads, the governing boards, the state executive branch, and the legislative

bodies need to be reminded that the Hispanic will not dance to the tune of the 1970's, but will press for equity at all levels. The 1980 Census will confirm our suspicious that the Hispanic population is a growing force in higher education. Hispanic access, attrition, employment, and overall policy involvement in postsecondary education will create the real academic revolution in the United States.

This composition change on higher education commissions, boards, and councils will only occur if every one of us here today press for this change. I suggest that an informal panel from each state in the region be structured at this conference. The mandate would be to periodically assess the progress and offer recommendations to a broader established network for nationwide coordination.

In sum, the problem is underrepresentation. The solution is inclusion of Hispanics on policy boards at all levels who will effectively speak on the issues. The pressure points where change will be initiated is at the institutional and state board level, at the state legilsature, in governors' offices, within the national congress, at the presidential cabinet level, and in the White House itself.

The Hispanic agenda in higher education for the 1980's is to have an effective voice through participation in all policy development affecting higher education. Without this voice, the past decade will be replicated throughout the 1980's, and we will be reacting to policy decisions instead of formulating them. Thank you very much for your attention.

ACCOUNTABILITY IN THE HEALTH AND SOCIAL WORK FIELDS: EDUCATION AND TRAINING

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This paper addresses the issue of accountability. More specifically it addresses the issue as it relates to the education and training of health and social work Hispanic professionals. The term accountability define means to be held liable; to be able to provide an explanation of the existing facts; and to be able to make a statement of the existing situation. Moreover, it is this evaluation which lessens the credibility gap between the service provider and the community that it serves. In truth the term accountability means many things to different areas of interest. A review of the literature doesn't provide a clear cut definition of what accountability is but rather what accountability attempts to achieve.

My purpose in examining the issue of accountability is to provide a sense of what is occurring in the education and training of Hispanic professionals in the fields of health and social work. Whereas my discussion is centered in the area of social work, it is relevant to other health professions. Based on discussions and research done with other health professionals the issue of accountability may be even more critical.

What concerns the Hispanic community most is the widening "credibility gap" that exists between the education and training institutions and the community that it is intended to serve. The analysis that follows will show that the existing education and training programs have not been able to fulfill adequately the needs of trained Hispanic professionals for Hispanic communities. The inability of education and training institutions to provide has created serious problems.

The inability of education and training institutions to provide adequate numbers of Hispanic professionals has created serious problems. Combined with the issue of a quality education and training for Hispanic health and social professionals exacerbates an already critical situation. A closer examination of the situation shows that health and social services to Hispanics are being staffed by non-Hispanics who could not or would not be adequately trained to work with the Hispanic community. Even though the federal government has provided training funds, however inadequate they maybe, these funds have not been able to realize the goals of training Hispanic people to serve Hispanic communities. These problems are the consequence of a lack of accountability at various levels.

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In discussing the problems of a lack of accountability, issues surface quantity of trained Hispanic health and social work professionals and quality of education and training for Hispanic professionals.

Quantity

If we are to discuss the issue of quantity, what would be the basis upon which we would determine what an adequate number of Hispanic health and social workers would be? Would it be based on the need of Hispanic communities desiring such service? Would it be in proportion to the number of Hispanics in the United States, of a geographical region? or, would it be proportionate as compared to other groups? An example: if ten (10) percent of the social workers were Jewish, Black or Asian, should Chicanos also have ten percent (10%)?

The process at arriving at some figure that would be be deemed adequate is problematic because based on the data currently available, it would be nothing more than a guesstimate.

The option of taking figures that are based on a proportion with other groups creates another set of problems. Choosing this direction could lead to a quota system which is unconstitutional. Also it could restrict the creativity and the freedom of choice of talented Hispanics to pursue careers in the health and social work fields. Furthermore, it supports existing divisions of society which further leads to discrimination and racism. Another problem would be, how do you administer such a model in an "open" society?

The most logical way to arrive at what should be an adequate number of Hispanic health and social workers is to calculate an estimate number based on the welfare need of Hispanics. This procedure would require that an estimate of the total number of needs of the Hispanic population be developed. Based on this estimate we could then determine how many health professionals or professional social workers would be required to meet these welfare needs of Hispanics.

The problems associated with this approach are many. For example, where is the data available on the number of Hispanics in the United States? How can we arrive at some figure for those Hispanics that are not included in the census (undocumented)? With figures of five (5) to fifteen (15) million Hispanics in this country and one and one-half (1½) million to ten (10) million Hispanic migrants, we do not know what the Hispanic population is.

Aside from a recent development in HEW/OHDS (Office of Human Development Services), we do not know what the needs of the Hispanic community are. The term "welfare" needs in itself is rather nebulous and researchers are not sure what that means. For example, when we talk about mental health problems, it is defined so broadly that it could mean many things to different people. Thus what is needed is a needs assessment so as to ascertain what is the extent of the problem.

Even though the federal government provides a variety of funding for the education and training of Hispanic professionals, there exists no rational basis on what should be the extent of federal funding for these programs. The figures seem to be arrived by political accommodation which means providing "bones" to the hungry dogs. Examples of this procedure would be the following: What rationale exists when the federal government provides sixteen (16) training stipends in community mental health to be shared by four schools of Social Work in Texas, even though we know or feel the need is greater. Or what is the rational basis upon which six (6) training stipends are offered in the area of working with rural Chicano elderly for an entire federal region.

The Council on Social Work Education statistics of training programs reflect the political reality. These figures have limited value because they do not tell you what quality of education they received or whether the curriculum of the institutions prepared them to work within the Hispanic community.

FULL-TIME FACULTY BY ETHNICITY

Total Number of Faculty		Chicano-%		Puerto Rican-%		Total Hispanic	
1978	2253	53	2.3%	42	1.9%	95	4.4%
1977	2149	50	2.3%	41	1.9%	91	4.4%
1976	2058	44	2.1%	33	1.6%	77	3.7%
1975	2180	46	2.1%	38	1.7%	84	3.8%
1974	2183	41	1.9%	39	1.8%	80	3.7%
1972	2341	38	1.6%	38	1.6%	76	3.2%

PART-TIME FACULTY BY ETHNICITY

1978	1141	17	1.5%	14	1.2%	31	2.7%
1977	1272	27	2.1%	19	1.5%	46	3.6%
1976	1260	29	2.3%	13	1.0%	42	3.3%
1975	683	9	1.3%	14	2.0%	23	3.3%
1974	973	15	1.5%	30	3.0%	45	3.5%
1972	845	15	1.8%	20	2.4%	35	4.2%

POST MASTER STUDENTS

	Total Number of Faculty	Chicano-	%	Puerto Rican-	%	Total Hispanic	
1978	821	20	2.4%	17	2.1%	37	4.5%
1977	866	20	2.3%	13	1.5%	33	3.8%
1976	769	20	2.6%	16	2.1%	36	4.7%
1975	712	23	3.2%	9	1.3%	32	4.5%
1974	648	27	4.1%	9	1.4%	36	5.5%
1972	565	24	4.2%	5	0.9%	29	5.1%

FIRST YEAR STUDENTS-MSW

1978	8197	170	2.1%	175	2.1%	345	4.2%
1977	8510	296	3.5%	148	1.7%	444	5.2%
1976	7951	172	2.2%	152	1.9%	324	4.1%
1975	7840	200	2.6%	147	1.9%	347	4.5%
1974	7935	165	2.1%	202	2.5%	367	4.6%
1972	7766	203	2.6%	154	2.0%	357	4.6%

SECOND YEAR STUDENTS-MSW

1978	9475	280	2.9%	174	1.8%	454	4.7%
1977	9023	219	2.4%	114	1.3%	333	3.7%
1976	8918	227	2.5%	154	1.7%	381	4.2%
1975	8836	195	2.2%	160	1.8%	355	4.0%
1974	8655	198	2.3%	147	1.7%	345	4.0%
1972	7265	160	2.2%	117	1.6%	277	3.8%

UNDERGRADUATE STUDENTS ENROLLED IN BSW PROGRAMS

1978	29,350	919	3.1%	1955	6.7%	2874	9.8%
1977	29,173	1047	3.8%	1743	6.4%	2790	10.2%
1976	25,281	521	2.1%	1539	6.1%	2060	8.2%
1975	22,996	473	2.0%	764	3.3%	1237	5.3%
1974	28,542	805	2.8%	584	2.0%	1389	4.8%

DEGREES AWARDED

1973-74	Masters	Doctoral
Total	8005	159
Chicano	175	2
Puerto Rican	127	-
1974-75		
Total	8482	145
Chicano	189	5

Puerto Rican	133	
1977-78		
Total	9476	178
Chicano	199	6
Puerto Rican	180	3

*Source ·The preceding figures were derived from Statistics on Social Work Education in the United States, for the years 1978, 1977, 1976, 1975, 1974 and 1972. As compiled by the Council on Social Work Education New York, N.Y. See Tables 303, Ethnic Characteristics of Full-Time and of Part-Time Faculty; Table 24, Full-Time Students Enrolled In Undergraduate Programs; Table 207A, Full-Time First Year Master's Degree Students Enrolled by Ethnicity; Table 207B, Full-Time Second Year Master's Degree Students Enrolled by Ethnicity; Table 207C, Full-Time Post Masters Students Enrolled by Ethnicity

Although the total numbers of professional social worker students have risen at all three levels, the number of Hispanic students have not been raised to any appreciable level. In fact, in some cases a loss in the number of students has taken place over a six (6) year period.

Another interesting point is the number of doctoral students who are being prepared to be the educators for the future are not increasing in number. As a matter of fact they are less in number 20 to 24 than they were six years ago. The implication here is that we will have fewer trained Hispanic Social Work Educators to prepare Masters and Bachelors students to work in the Hispanic community.

The preceding statistics have many implications. Given the numbers of professional being prepared will there be enough to provide adequate services. The figures leave the question unanswered as to the quality of their education. Due to the relatively low numbers of trained professionals the question of accessibility of services becomes an issue. The likelihood of Hispanic clients accessing the delivery system in search of a Hispanic therapist or Hispanic health professional is diminish by the low number of Hispanic professional available. This in turn diminishes the full utilization of health and social services by the Hispanic community. A consequence of the preceding is that Hispanics are likely to access the delivery system on a crisis basis rather than on a preventive basis. The value of having Hispanic professionals who are versed on the bilingual-bicultural aspects of treatment is lost because we don't have enough Hispanic professionals available.

Quality

An even more difficult issue to resolve is the issue of quality of training and education. This is even more nebulous and difficult to define when you consider we do not have one criteria that tells us what is quality education. The question raised is, what do we mean by quality training and education? Is our expected outcome a quality person and/or product? How do you insure quality? What do we mean by quality services?

One way to measure quality of education would be the placement of Hispanic social work students upon completion of their

studies. If the training institution is able to place all of its students in a short period of time one can surmise it prepares good practitioners. But what about those placements that they have no students to fill with? Is this a shortcoming of the training program in its inability to provide trained Hispanic professionals to provide such needed services to an already unserved/underserved population at risk. The fact is education and training programs are not training people to serve the Hispanic or other groups which do not fall into the White Middle Class American groupings.

This raises serious questions of whether or not Anglos are being trained to work with Hispanic clients or Chicanos are being trained to work only with Anglo clients. The Hispanic professional has to have knowledge about how to treat both the Anglo and the Hispanic client. Thus it becomes a dual responsibility for the Hispanic student and/or professional to know two cultures, because he has to work with both cultures. The complexity of trying to understand both cultures and make application to his area of specialization could very easily lead to built-in failure.

Analysis

We have raised many interesting and critical issues of accountability. To answer the question as to how we achieve a satisfactory level of accountability will require developing a mechanism or instrument that will deal with both the issues of quantity and quality.

The present approach to accountability is piecemeal with very little accountability built into training programs for Hispanic individuals. However, recognizing the difficulty and problems of developing appropriate, adequate accountability mechanisms will take time and effort to develop. We need to take the initiative to develop these mechanisms, otherwise we will continue to have training programs that are not relevant to the needs of Hispanics. Furthermore, we will not be producing trained professionals in adequate numbers to meet the existing needs.

The following are some suggestions as to how we start thinking about the issue of accountability:

1. We need to attain reliable demographic data of the Hispanic population in this country.

2. A needs assessment must occur so as to ascertain the health and welfare needs of Hispanics. These needs must be based on some minimum standards of quality that

is acceptable to Hispanics. It should involve the participation of Hispanics so as to take into account what their expectations are.

3. A determination of the estimated number of health and social work professionals to meet the above needs must be made.

4. The curriculum of training institutions should begin to address the needs of Chicanos and at the same time begin to explore innovative ways as to how to fulfill those needs of Hispanic communities.

5. Federal grants to training institutions should be based on their region. A monitoring mechanism needs to be establish so as to encourage more Hispanics to take part in the educational and training process. Also needed is a procedure that would more closely insure that Hispanics and others interested in working with Hispanics fulfill their commitment as condition for receiving federal funds. The awarding of federal training grants should be more closely tied to what the regional Hispanics needs are.

6. Accountability mechanisms at the regional level need to be developed so that training institutions are able to respond to Hispanic groups at the regional level.

Even if these suggestions are followed, periodic assessment and evaluation would have to take place. Even still there is no guarantee that these goals will be achieved. This is due in part to the fact accountability is a sharing and participation process in the political and economic institutions of this country. The inability to share and participate would mean that equity could not be achieved. Hispanics cannot affort to expect others to share the wealth and resources on purely moralistic basis. Failure to take the initiative would be tantamount to deciding against self-determination. It is only through this participation process by Hispanics and other minorities that we can achieve a pluralistic society. The resolution of the stated issues is necessary and critical otherwise we will be debating similar issues in 1990.

"If you compare what we have done in this decade, we have done a lot. If you compare what we have done to what Hispanics need we have not done very much."

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HIGHER EDUCATION ACCOUNTABILITY VS. EQUAL EDUCATION OPPORTUNITY

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INTRODUCTION

University and college staffs and faculties have recognized that education is the primary socialization method used in the United States and is also the primary determiner of upward mobility in this highly competitive society, the need for special services to the non-traditional students enrolled in the Uni versity becomes of the utmost importance. Therefore, with the influx of a large group of academically, economically, and culturally different students entering higher education it makes the need to develop a viable supportive service program to serve those needs very important.

Understanding that the passage of legislation will not immediately change curriculum, attitudes, commitments in high schools or junior high schools, the problems associated with succeeding in higher education will be compounded. The combination of finding legislation, institutional commitment, cost programs, admissions policies, educational priorities, declining enrollments, high school tracking systems, and on and on has created the proverbial "can of worms". The educational system has developed a seemingly untenable procedure to certify the entire educational system from kindergarten through higher education. This system, traditionally, has not coped with the culturally, socially, and linguistically-different child, so the system chose to reject them. Finances are usually the reason given for not facing the problem head on. With awareness of the problems students face, it becomes increasingly necessary and more difficult to develop and continue retention programs. Students must be recruited from all walks of life, prepared in junior high, high school, and higher educational institutions to produce the end product, a graduate. The end product, what do we mean by that? Some institutions feel that they are forced by law to start nothing and end up with a low quality end product. Then they justify their claim that that process and what they get of it is not worth the effort or money. Where does the commitment to the right for equal educational opportunities come in? To present the other end of continuum: we have the most committed institutions - they feel they start with a highly motivated, poorly educated, unprepared person and produce an end product which is equal to the other non-disadvantaged graduates. Questions asked by these institutions are:

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1. How long did it take?

2. How much did it cost?

3. Can we afford it?

4. What did we really do for that person?

The concern is not with what the person can now accomplish but with how do the institutions look. How do our statistics look, were our standards and credibility jeopardized, and did we fulfill the intent of the law?

I may sound a little sarcastic at this point by not recognizing the educational system's value or potential, but I feel the system is only as strong as its parts. Education relies on institutional commitment and cannot succeed without it. I do recognize the magnitude of the problem before the educational system today. The system must correct centuries of past discrepancies such as prejudice, rejection, discrimination, racism, etc. How do you un-rape a huge group of people who are all individuals, with their own personalities, angers, pains, fears, etc.?

With the culturally, socially and linguistically-different child, one socialization process starts in the home with the family until age 6 or 7. At this time the process reverts to the schools, by law, which then releases its hold on the child only when he or she chooses not continue in the process, or socialization is completed and assimilation has been accomplished. I did not mention acculturation because acculturation was never the goal; the educational system did not see a need for a bi-culturate and so was not prepared to absorb this type of person or share the multitude of gifts this country has with a person who did not, by choice, assimilate. Those who refuse to assimilate because acculturation has been lacking, have traditionally been rejected by society. Historically, this group of people, such as yourselves, then forced society to notice vast discrepancies in the educational system. This new awareness during the 60's resulted in legislation being passed to correct the situation.

As the assimilation process continues and the opposition to bi-lingual/bi-cultural education continues in elementary and secondary schools, fewer and fewer entering freshmen will be suffering from this so-called handicap. If your second language is Spanish it is a handicap and if it is French, German, etc., it is considered an asset. The problems arise in the older age group who have used their first language extensively as a normal communication tool. Other groups identified with limited English speaking ability are the southeastern refugees, migrants, and first generation foreign immigrants. Using the English Placement

Test, which is required by many schools presently, an accurate count can be made of these students. In its first year of use it was found that 20 percent of those taking it had difficulty with the English language ranging from moderate to extreme and were encouraged to take English prep courses not offered at many universities and colleges prior to being admitted. Students falling into the other 80 percent and entering universities anticipate some problems which will require some special help in reading, writing, and speaking the English language. College administrators many times consider the Chicano part of this group because Spanish is one of their languages.

WHAT CAN WE DO?

Special Support programs rely heavily on the efforts of recruiters from Talent Search Organizations, Educational Services for the Disadvantaged, Migrant Action Programs, and high school counselors for referrals to the program. The first three organizations are designed to reach this particular group of people. The counselors in the high schools have on occasion referred highly motivated students to the program for some consideration because they feel their grades would not be adequate to be admitted under the normal procedure. To expect the high school counselors to adopt this procedure at this time seems to be too much to ask. Much more work by special services personnel must be made to sensitize the counselors, teachers, and high school administrators to the special needs of this type of student. We do have to be careful that a student that was poorly prepared in the secondary school, through no fault of their own, is not pushed into a situation which is over his or her head. A referral initially to a community college in the area can do what the high school fails to do and would be the first move. Project Equal Opportunity at the University of Colorado at Colorado Springs uses this referral process because we are seeing many poorly prepared students making application to the University. The referral can be interpreted as a rejection by the student so adequate counseling by supportive service personnel is important to point out the deficiency in the persons preparation in high school. Allowing a person to register and be confronted by high expectations and a deficient background in some subjects forces the student out with a poor record or forces the student to choose the path of least resistance which will not lead him or her to their career goals. Supportive service personnel must present the realistic picture to the applicant and help them in preparing for the more desirable career goal. The goal many times can be reached by taking a few steps backward. The referral to a community college is not to be interpreted as a rejection but as part of a preparation period which will help them be successful in a university. A very important point at this time is that contact with the student by university supportive

personnel must be maintained to insure that the courses taken are geared to eliminate the weaknesses, keep focus on over-all goals, monitor any changes in the student career plans, advise students on transferable courses, and when the community college has accomplished its purpose assist in the transfer process to the university program. This process accomplished much:

1. Builds self-confidence;

2. Allows the student to establish study skills;

3. Eliminates academic weaknesses;

4. Opens lines of communication, and

5. Establishes coop programs between community colleges and universities (which makes legislatures happy).

Since outreach and recruitment is accomplished primarily in rural or low socioeconomic areas of the state, approximately 75 percent of all special needs students can be classified in this category and a significant percentage of the general population of students enrolled in school who have not expressed a need for special services for numerous reasons, such as pride, lack of information, fear of refusal, and the feeling that special services programs are set up only for minorities, which is not the case in many situations.

The successful operation of an Academic Support Service on any campus in the United States relies heavily on commitment. The commitment of the staff and most importantly, the institution. Goals, objectives, recruitment, admission, skills programs, etc. cannot be set or even worse, achieved if they are counter to the institutions standard operating procedures goals and/or objectives. If they are not supported philosophically, financially, and literally they are being patronized.

As Director of Counseling and Special Programs and a School Board member, I cannot be blind to what is involved in the total operation on an educational system but I must maintain a focus on the realities of past discriminations towards the disadvantaged. I see a disadvantaged person as anyone who was identified, for whatever reason, as a nonconformist to the system, square pegs in a round hole system.

To focus in on the real needs of persons previously exluded from the educational system, as previously discussed, is to realize that we must upgrade our skills in the helping professions. Chicanos, Hispanos, Mexican-American, Mestizos, Mi Raza will obviously be at the fore-front of our concern but we must

prepare ourselves in the helping professions, counseling, advising, social work, administration, teaching, and any other profession that will help correct past discrepancies. Some facts which point out the importance of our involvement are:

1. Hispanics are the largest minority group in the West. They are also the most under-represented in enrollment in higher education institutions in the region.

2. The representation even drops off in the graduate and first-professional levels.

3. Hispanics have fewer top level administrators in higher education than any other group.

Some important points to remember which, I feel, will help solidify our roles in higher education are:

1. Upgrade our professional skills which will give us the expertise to help any person in need regardless of race, creed, age, sex or color.

2. Expand our social involvement to include non-Hispanic functions: this improves credibility.

3. Support other Hispanics who will be able to help in relieving some of the strain placed on you because of your position.

4. Sincere efforts in the area of Equal Opportunity for all people will pay off in big dividends in personal careers.

5. Establish state-wide/national communications with other helping professional and lay Hispanics.

6. Recruit through these channels.

7. Share expertise through workshops--training sessions --help up-grade your brothers.

I would hope that my comments in this paper will stimulate some active discussion and sharing of ideas. We have all had different experiences--share what you have learned. War stories are fun, but what we learned and how we avoid or eliminate previous problems is more important.

Recommendations Proposed by Session C
THE EDUCATION OF HISPANICS "ISSUES FOR THE NEXT DECADE"

To Dr. Gloria Zamora by
Dr. Alicia Valladolid Cuarón

Please accept this as the summary report of key points made by the presentors participating as a panel in the Session C - "Is There Accountability in American Higher Education?" The strategies that were identified and presented are noted in this report. Allow me to call to your attention that some members in the audience felt that complete strategies for implementation of some of the recommendations were not fully presented.

Recommendations are as follows:

NATIONAL AND REGIONAL

1. An immediate request to the President of the United States for a White House Conference related to the Education of Hispanics.

   a. Focus of the conference should be on specific issues related to the needs of the Hispanic people with emphasis in Bilingual Education.

2. An immediate request to the Secretary of Education to identify and select a top level assistant that will report to the Secreatry of Education.

   a. This selected and occupying this position would keep the Secretary of Education in communication with the prioritized educational needs of Hispanics that should be addressed.

3. Representation of Hispanics in all governance councils such as the Carnegie Council on Policy Studies on Education.

   a. Emphasis would be to provide lists of recommended Hispanic individuals for representation in decision making bodies at the federal and state level.

4. An immediate mandate be given to institutions of higher learning, which may originate at the federal level in Education, for the development of relevant models for the design and implementation of "plans of action."

   a. Models and modules designed would explain and define specific processes and expected outcomes.

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(1) "Who" and "How to" would be provided along with systems and techniques in assessment and evaluation.

5. Providing immediate aid and resources for the development of a state based network system.

   a. A statewide network system could design a vehicle for exchange and linking agents for total interstate communication with a continuum of services from state to federal spheres of influence.

   b. A statewide network could provide mentors, models and support systems according to needs, and also have an awareness of the availability of resources throughout the interstate network system.

6. Providing a mandate that more women be invited to participate and to be involved in the development and implementation of future conferences.

   a. Women would be involved in decision and policy making situations directly related to all levels of conferences.

7. Providing funding to the individual states to design and develop follow-up conferences.

   a. Assure that recommendations of regional conferences do in fact become a reality with focus and flexibility for local needs.

STATE AND LOCAL

1. Strongly recommended that each individual state develop and implement a professional and lay monitoring Hispanic coalition.

   a. To outline and define the educational needs of the Hispanic enrolled and working in institutions of higher learning.

   b. Encourage the recruitment and admission of more Hispanic individuals in institutions of higher learning.

   c. To provide the demand and politics for the appointment of more Hispanic faculty and staff to key positions at all levels of higher learning and occupations.

d. To provide a demand for the development of support and service programs for the Hispanic student in higher education.

e. Continued demand for the continuation of relevant course offerings in the area of ethnic and Chicano studies.

2. Institutions of higher learning should be required to include and provide for the educational needs of minority students within the designed institutional goals.

   a. That each program of study/training program document in viable, explicit and measurable terms for periodic monitoring and evaluation so as to insure compliance.

3. Encourage state and local communities to implement a direct action so as to address specific issues and concerns related to the Hispanic students.

   a. Access to higher education for Hispanics.

   b. Financial resources for the Hispanics.

   c. Professional mobility for Hispanics.

   d. Inclusion of Hispanics in all levels of decision-making bodies related to education and occupational training.

FRIDAY FEBRUARY 15, 1980

ELEMENTARY & SECONDARY EDUCATION SESSION

1"30 P.M. - 2"15 P.M. Continental Ball Room

PLENARY SESSION

INTRODUCTION OF MAJOR PRESENTOR" Gustavo García

MAJOR PRESENTOR" Dr. José A. Cárdenas, Executive Director I.D.R.A., San Antonio, Tx

Institutionalization and the funding of Bilingual Education

2"30 P.M. 5"00 P.M. CONCURRENT SESSION A. Continental Ball Room

LEGISLATIVE AND JUDICIAL ISSUES
AFFECTING THE EDUCATION OF HISPANICS

MODERATOR" Samuel Saenz

PRESENTOR" Mauro Reyna*

Comparability/Judicial Issues

PRESENTOR" Elena Vergara

How Has School Desegregation Addressed the Needs of the Hispanics - If it Has,

PRESENTOR" Don Harvey

Elements in Legislation Which Restrict or Enhance Effective Management of Title I and Migrant Education Programs.

PRESENTOR" Robert Vigil

Identification of Title I and Migrant Students Elementary and Secondary Session

PANEL MEMBERS" Paul Metke
Robert Cheuvront
Vidal Rivera, Jr.
Roy Martínez
Shirley McCune

*Outline only

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COMPARABILITY/JUDICIAL ISSUES

By Mauro Reyna
Assistant Superintendant, AISD
in Austin, Texas

Concerns:

a. Eligible students count deadline

b. Flexibility necessary for districts under recent court orders

c. Program not following the child, i.e., the cumbersome process of re-qualifying campuses

d. District-wide personnel not eligible for comparibility

e. State interpretation of federal guidelines

f. Lack of consistency in the funding of programs

g. Inadequate funding--not being able to provide services to all eligible students

h. etc.

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INSTITUTIONALIZATION AND THE FUNDING OF BILINGUAL EDUCATION

Summary of address by Dr. José Cárdenas at the Hispanic Conference in San Antonio, Texas, February 1980

What should happen in the future is the focus of this speech. Considerable monies are available for bilingual educational efforts. In addition to monies appropriated by the Federal government, we have some $100,000,000 appropriated by 21 states throughout the country and some $50,000,000 appropriated at local levels for 1980.

But the trend is towards reduction of funds for special educational programs. What will it cost to support bilingual programs in the future and where will this money come from? The need for bilingual programs is still great, and there are many children still to be served. Federal programs represent about 7.5% of all eligible children.

There is a need to institutionalize bilingual education for three reasons: (1) what we have seen in the '70's has been pseudo-acceptance of BE. What we need to see in the '80's is real acceptance and assimilation and incorporation of BE throughout our educational system. (2) IHE's will not have good teacher training programs for BE programs. Publishers just won't get involved unless they can know that they will have a long-term market for their materials.

We need formulas for calculating the costs of viable BE programs, and we need strategies for assuring funding of these programs. To date, we have had no effort to determine cost per child at the federal level or at the state level. Tremendous diversity exists in cost estimates from state to state. For example, Texas allocates $44 per pupil per year. Massachusettes allocates $1247 per pupil per year.

IDRA has conducted a cost analysis study. The approach was to identify the minimum essential elements of a BE program and then to identify what these elements would cost to implement. The basic, essential elements were determined by a panel of experts. The five essential elements identified by the panel are as follows:

1. Staffing. the teachers must be qualified BE teachers. This requirement may involve added costs for training teachers. Also, pupil-teacher ratios should be smaller than in traditional monolingual classrooms.

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2. Materials. There is a need for materials specific to BE.

3. Equipment. Specialized equipment for language learning is available on the market and should be standard equipment in BE classrooms.

4. Testing. Reliable and valid assessment procedures must be developed for assessing language proficiency and achievement.

5. Libraries. Additional books and reading materials should be made available in school libraries for use by students in bilingual programs.

Other ideas that could be added to this list:

6. There is a need for greater community involvement.

7. There is a need for funds and strategies to recruit BE teachers.

8. Much can still be done to improve staff development.

The IDRA study identified a number of variables that had strong influence on any attempt to estimate per pupil costs:

1. Start-up programs are more costly than maintenance or continuation programs.

2. Costs vary according to grade levels involved. Some grade levels require higher implementation costs than others.

3. There is also considerable variation in cost of living between states, and even between school districts within a state.

Significant findings of the IDRA study are listed below: Per pupil costs ranged in Texas from $170 - $243 per year.

Per pupil costs ranged in Utah from $144 - $298 per year.

Per pupil costs ranged in Colorado from $209 - $330 per year.

In Texas, bilingual programs cost from 1.25 to 1.42% more than monolingual programs.

In Colorado, bilingual programs cost from 1.15 to 1.22% more to implement than monolingual programs.

There are approximately 2.4 million children in need of BE in the United States.

Using Texas figures as the basis for estimating, it would cost approximately $545,000,000 per year to start up bilingual programs throughout the United States.

It would cost approximately $471,000,000 per year to continue programs throughout the United States.

Where will this money come from?

Title VII accounts for $131,000,000.

EEOP accounts for $8,600,000.

States account for another $93,000,000.

Local level funding accounts for $47,000,000

In addition to these sources, there are two other potential sources of funds - Title I which now provides $230,000,000 to LEP students in Title I programs, and ESAA programs which could allocate some money to BE programs (we would need an additional $31,000,000 to satisfy the estimates shown above.)

Title I and ESAA would have to agree to allocate monies for teaching in a child's native language.

The premise is that sufficient funds are now available to institutionalize BE in the United States. It is a time that we begin to fully explore all of these sources of funds.

HOW HAS SCHOOL DESEGREGATION ADDRESSED THE NEEDS OF HISPANICS--IF IT HAS?

By Elena Vergara
Intercultural Development Research Association, San Antonio

On June 4, 1970, the Federal District Court for the Southern District of Texas ruled that Mexican-Americans are "an identifiable ethnic minority group" for the purpose of school desegregation. (Cisneros vs. Corpus Christi Independent School District, 324 f. Supp. 599) In 1973 the U.S. Supreme Court stated that "though of different origins, Negroes and Hispanos in Denver suffer identical discrimination in treatment when compared with the treatment afforded Anglo students." (Keyes vs. School District No. 1, 413 U.S. 189).

These two court cases were not the first to include Hispanics in school desegregation orders, e.g., Hernández vs. Texas, 347 U.S. 475 (1954), Méndez vs. Westminster, 67 f. Supp. 544 (S.D. Cal. 1946); however, they are singularly important because of the court's cognizance that the principles of the Brown decision applied to Hispanics as well as to Blacks.

In Keyes, the federal district court adopted an extensive remedy, commonly referred to as the "Cardenas Plan" which involved adequacy in:

1. the philosophy of minority education,
2. school governances,
3. scope and sequence of instructional program,
4. curriculum,
5. co-curriculum,
6. staffing,
7. non-instructional needs,
8. student personnel services,
9. community involvement, and
10. evaluation activities.

(Source: *Desegregation and Hispanic Concerns of the Hispanic Community: Pros and Cons of Desegregation/Integration*, José A. Cárdenas, p.62)

This remedy is similar to the comprehensive educational plan adopted by the court for the San Felipe Del Rio Consolidated Independent School District (U.S. vs. Texas, 342 f. Supp. 27-38, E.D. Texas, 1971), which called for:

a. professional staff treatment and assignment,

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b. curriculum design and content and instructional methodology,

c. student assignment and classroom organization,

d. staff development,

e. parent and community involvement,

f. special education,

g. non-instructional support,

h. funding and timing, and

i. evaluation of comprehensive plan.

(For a complete detail of the plan, see Appendix A.)

The Keyes remedy proved to be short-lived. On appeal, the Tenth Circuit reversed the lower court, stating that the "District court's adoption of the Cardenas plan oversteps the limits of its remedial powers." Keyes, 521 f. 2nd at 479-83.

It is important to examine the judge's reasons for reversing this part of the district court's order because they have a direct bearing on the issues which I am about to address. In determining whether the lower court had "properly" left certain predominantly Hispanic schools segregated, the Court of Appeals concluded:

> The Court made no finding, on remand, that either the School District's curricular offerings or its methods of educating minority students constituted illegal segregative conduct or resulted from such conduct. (Keyes, supra, 521 f 2nd at 479-83)

The judge went on to say that a "meaningful desegregation plan must provide for the transition of Spanish-speaking children to the English language." There is no doubt from the latter statement that the judge's ruling was directed at protecting the rights of language minority students. Why then the reversal of the district court's adoption of the Cárdenas plan? Because the Court had made no finding that the curricula or methods of educating language minority students constituted or resulted from illegal segregative conduct. There was no finding made because there was no proof of *de jure* segregation of Hispanic students on the part of the Denver Public Schools. There was no proof of *de jure* segregation of Hispanic students because the Keyes case was brought by Black plaintiffs. Discrimination against Hispanics

was not a basic issue in the case; it was introduced at the remedy stage by the Congress of Hispanic Educators, acting as intervenors in the case.

HISPANICS AS INTERVENORS

With few exceptions, some of which have already been noted, school desegregation litigation has been brought by Black plaintiffs. It is axiomatic then that the courts should hear the cases in that context and fashion remedies accordingly. In a number of cases, Hispanic groups have waited until a favorable ruling comes down for the plaintiffs before deciding to intervene. This practice has been allowed because of the nature of desegregation trials. In essence, there are two trials: in the first one, the judge considers whether the Constitution or title VI of the CRA has been violated; in the second one the judge decides on the appropriate remedies for the violation. Hispanic intervenors have had varying success in getting the courts to allow Hispanic special concerns to be raised at the remedial phase of the case. In Wilimington, Delaware, the court concluded that at that stage it could not consider "the basic issues of whether the state had fulfilled its duty--if any--to provide bilingual education." (Source: *Desegregation and Educational Concerns of the Hispanic Community*, p. 78). In Boston the court held that the Keyes ruling would be obseved and went one step further by noting that bilingual students would be assigned before others to prevent dispersal. Morgan vs. Kerrigan 401 f. Supp. (D. Mass. 1975), aff'd 530 f. 2nd 401 (1st Cir. 1976)

From the wide range of these two decisions it would appear that Hispanics are merely playing a game of chance by waiting until the remedial phase to intervene in desegregation cases. Some consideration should also be given to the plaintiffs--Blacks--who have brought the cases initially. Surely many of the issues and concerns deal with minority children in general; however, in some cases, Hispanic students may seek special remedies not sought by Black litigants. In Ft. Worth, Texas, an order to desegregate the schools resulted in the intervention of Chicanos living in the district. Flax vs. Potts, 333 f. Supp. 711, 716 (N.D. Tex. 1970). Fort Worth ISD has classified Mexican Americans as White in their desegregation plan and continues to ignore the special educational needs of Chicanos. The group of plaintiff-intervenors alleges that:

1) FWISD maintains and operates a dual segregated school system.

2) FWISD lacks a plan for desegregating the system and if such a plan exists, it is rendered inadequate since Chicano school children are not treated as a distinct group with special educational needs.

3) FWISD has historically excluded qualified Chicanos from faculty and administrative staffs; effectively ignoring special educational needs of Chicanos.

4) FWISD lacks an adequately designed and implemented bilingual, bicultural program.

5) FWISD has historically maintained a racially and ethnically imbalanced system of enrollment.

6) FWISD has denied the class of P-I their right to an equal educational opportunity as guaranteed by the Civil Rights Act of 1964 and the 14th Amendment to the U.S. Constitution.

The intervenors request from the court a consideration of the rights of Hispanic children and treatment as an identifiable ethnic Minority group. They also request a remedy which will eliminate past inequalities through the design and implementation of a special bilingual and bicultural education program. (Source: *Select School Districts in Litigation with the U.S. Department of Justice* (1979). An unpublished report by Tino Guerra, Esq.) Because of the divergent nature of the remedies sought by Hispanics and Blacks, the Hispanic intervenors have sought to sever themselves from the Black plaintiffs. (Source: *Desegregation and Educational Concerns of the Hispanic Community*, p. 77, N.I.E. Conference Report June 26-28, 1977.) The Blacks, in turn, view the Hispanic intervention with reservations. They have not hindered the actions of the Hispanics; however the Blacks have expressed concerns with their last-minute interventions.

In a similar case, in Milwaukee (Armstrong vs. O'Connell, C.A. No. 65-C-173) the the attorneys for the Plaintiffs have opposed the request of the City-Wide Bilingual/Bicultural Advisory Committee to include Hispanics and other minority students along with Blacks in fashioning the remedy. The attorneys contend that "the issue of unconstitutional segregation of Hispanic pupils has not been litigated in this action" and that "the Court did not find that Hispanic pupils were unconstitutionally segregated." (Source: Ricardo R. Fernández and Judith T. Guskin, "Bilingual Education and Desegragation" *Bilingual Education*, La Fontaine, et al. (Eds.) A Hispanic petition to the Court was also refused.

In reviewing the desegregation cases that have had significant impact on minority students, it is obvious that most were brought by non-Hispanic groups, e.g., Brown, Keyes, Lau, Milliken, Morgan. It must also be noted that while the educational needs of language minority students have been addressed

in some of the decisions, such as Bradley vs. Milliken, 401 f. Supp, m in others they have not, such as in Denver and Milwaukee.

II. RACIAL SEGREGATION OF HISPANICS

Because most of the court cases have been brought by Black plaintiffs and have dealt with the unconstitutional discrimin-ßlack/White issue. Prior to the Lau vs. Nichols decision (414 U.S. 563), Hispanics appeared to be addressing the segregation of case. After the Lau decision (1974) it would appear that bilingual education has become the primary focus of Hispanic involvement, to the extent that segregation was actually preferred, so long as the court mandated an educational plan which included bilingual education. In Keyes, the district court noted that:

> Some representatives of the Mexican American community in this case have expressed a desire not to desegregate...The Court can see advantages in this and therefore holds that desegregation is not in its best interests. (Italics added.) 380 F. Supp. at 673.

The Tenth Circuit Courty of Appeals reversed the District Court's decision and affirmed that "Bilingual Education is not a substitute for desegregation." Keyes, 521 F 2nd at 479.

In the past five years, civil rights attorneys and educators have been addressing the concerns relative to bilingual education within the context of desegregation. The motivating factor appears to be the preservation of existent bilingual programs in the wake of a desegregation plan, or the inclusion of one if none exists. Indeed at ta conference sponsored by N.I.E. on "Desegregation and Hispanic Concerns of the Hispanic Community," Dr. Ricardo Fernández states:

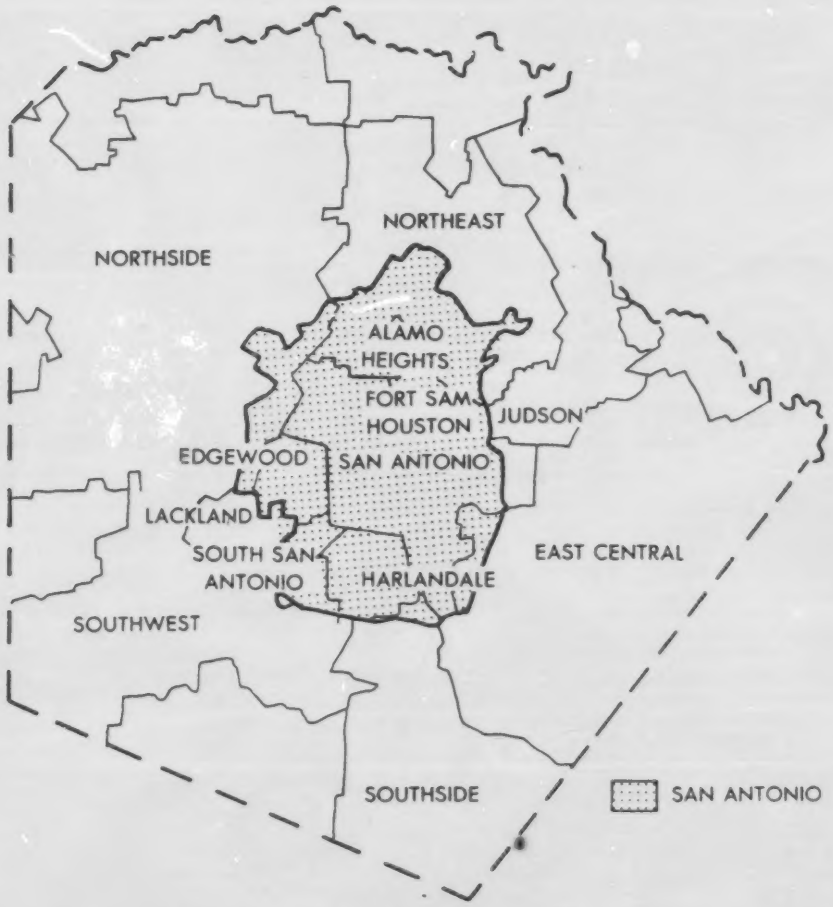
> One could ask, and I think some of the members who preceded me here on this table have mentioned, why hold a conference on the subject of desegregation and the education concerns of the Hispanic community, which is sort of a euphemism for bilingual/bicultural education, but nevertheless, that is the way we operate.

Thus it would appear that discrimination issues been drawn along racial/ethnic lines: Blacks and desegregation; Hispanics and bilingual education.

Although some efforts have been made to address these concerns (c.f. José A. Cárdenas, "Bilingual Education, Segregation and a Third Alternative." *Inequality in Education,* February, 1975), a closer look is warranted in terms of examining the racial separation of Mexican American children in the public

FIGURE A

BEXAR COUNTY SCHOOL DISTRICTS



Source: Research and Planning Council,
Bold Plan for Bexar County, March 23, 1964

TABLE I (1968)

ETHNIC COMPOSITION OF ENROLLMENT, 13 SCHOOL DISTRICTS, SAN ANTONIO

DISTRICT	TOTAL ENROLLMENT	ANGLOS		MEXICAN AMERICANS		OTHER MINORITIES	
		NUMBER	PERCENT OF DISTRICT ENROLLMENT	NUMBER	PERCENT OF DISTRICT ENROLLMENT	NUMBER	PERCENT OF DISTRICT ENROLLMENT
EDGEWOOD	22,221	863	3.9	19,924	89.7	1,434	6.4
SOUTHSIDE	2,094	544	26.0	1,529	73.0	21	1.0
HARLANDALE	16,940	6,460	38.1	10,458	61.7	22	0.1
SAN ANTONIO	79,353	21,310	26.9	46,188	58.2	11,855	14.9
SOUTH SAN ANTONIO	7,429	3,198	43.0	4,090	55.1	141	1.9
SUBTOTAL	128,037	32,375	25.3	82,189	64.2	13,473	10.5
NORTH EAST	25,772	23,708	92.0	1,903	7.4	161	0.6
LACKLAND	927	804	86.7	29	3.1	94	10.1
JUDSON	2,156	1,855	86.0	274	12.7	27	1.2
ALAMO HEIGHTS	5,166	4,399	85.2	731	14.2	36	0.7
FORT SAM HOUSTON	1,513	1,256	83.0	128	8.5	129	8.5
NORTHSIDE	16,837	13,766	81.8	2,705	16.1	366	2.2
EAST CENTRAL	2,856	1,987	69.6	709	24.8	160	5.6
SOUTHWEST	2,636	1,569	59.5	1,024	38.8	43	1.6
SUBTOTAL	57,863	49,344	85.3	7,503	13.0	1,016	1.8
TOTAL	185,900	81,719	44.0	89,692	48.2	14,489	7.8

SOURCE: Fall 1968 HEW Title VI Survey

TABLE II (1977)

DISTRICT	TOTAL ENROLLMENT	WHITE NUMBER	WHITE PERCENT OF DISTRICT ENROLLMENT	HISPANIC NUMBER	HISPANIC PERCENT OF DISTRICT ENROLLMENT	BLACK NUMBER	BLACK PERCENT OF DISTRICT ENROLLMENT
EDGEWOOD	19,174	476	2.5	17,793	92.8	859	4.5
SOUTHSIDE	2,168	636	29.3	1,513	69.8	10	.5
HARLANDALE	16,622	3,317	20.0	13,186	79.3	65	.4
SAN ANTONIO	64,277	8,925	13.9	44,973	70.0	10,168	15.8
SOUTH SAN ANTONIO	11,278	2,366	21.0	8,491	75.3	384	3.4
SUBTOTAL	113,519	15,720	13.8	85,956	75.7	11,486	10.1
PERCENT OF TOTAL ENROLLMENT-13 DISTRICTS		20%		80%		74%	
NORTH EAST	33,385	26,513	79.4	5,553	16.6	978	2.9
LACKLAND	775	539	69.5	61	7.9	136	17.5
JUDSON	8,058	5,820	72.2	1,416	17.6	614	7.6
ALAMO HEIGHTS	3,993	3,002	75.2	871	21.8	61	1.5
FT. SAM HOUSTON	1,652	1,216	73.6	130	7.9	249	15.1
NORTHSIDE	30,913	19,071	61.7	10,109	32.7	1,430	4.6
EAST CENTRAL	4,193	2,820	67.3	1,097	26.2	262	6.2
SOUTHWEST	4,652	2,002	43.0	2,372	51.0	241	5.2
SUBTOTAL	87,621	60,983	69.6	21,609	24.7	3,971	4.5
PERCENT OF TOTAL ENROLLMENT-13 DISTRICTS		80%		20%		26%	
TOTAL	201,140	76,703	38.1	107,565	53.5	15,457	7.7
STATE TOTALS	2,856,361	1,678,828	58.8	721,846	25.3	437,560	15.3
PERCENT OF STATE ENROLLMENT-13 DISTRICTS		.07%		15%		.04%	

SOURCE: Texas Education Agency 1977-1978 Enrollment Data

and a Third Alternative." *Inequality in Education,* February, 1975), a closer look is warranted in terms of examining the racial separation of Mexican American children in the public schools. For the sake of illustration only, the 13 school districts falling either wholly or partly within the city of San Antonio will be examined (figure A). San Antonio schools do not represent the most extreme case of racial/ethnic separation of Mexican American students in the Texas Public Schools.

In a report entitled *Ethnic isolation of Mexican Americans in the Public Schools of the Southwest* (April, 1971), the U.S. Commission on Civil Rights unequivocally states that "Texas contains the greatest number of Mexican American pupils in predominantly (50% or more) Mexican American districts." Within the state of Texas, the Commission examines the patterns and extent of racial isolation/separation in the thirteen school districts in San Antonio. Table Number 1 illustrates the enrollment patterns as reported in the Fall, 1968, H.E.W. Title VI Survey. Nearly half (48.2%) of all the students enrolled in the districts are Mexican American; yet, approximately 90% or 82,189 of the total Mexican American students (89,692) are in five school districts. By comparison, 60% of the White students attend schools in the eight predominantly White districts that surround the city. Ninety three percent (93%) of all other minority students (99% Black) are racially separated in one school district--San Antonio.

An update of the survey as it appears in the report of the Commission on Civil Rights is found in Table II. The differences between the two are readily obvious: the White enrollment has decreased by 5,000; the Hispanic student population has increased by approximately 18,000. Eighty percent (down by 10%) of the Hispanic students are still concentrated in five school districts; however; a significant change has taken place within the Northside School District--it has almost doubled the total enrollment and doubled the percentage of Mexican Americans and Blacks in the schools.

Conversations with school officials of the Northside School District revealed that between 1968 and 1978 there was a great influx of population because of federally subsidized housing projects which were built in the district. From 1968 to 1978 nine new elementary schools were built to handle the increased number of students. Following are the schools, showing dates built and percentages of White or minority (Black and Hispanic) enrollment.

New Northside Schools

1968	Meadow Village	54% minority
1968	Forest Hills	82% minority
1969	Oak Hills Terrace	81% White
1970	J.B. Passmore	73% Minority
1972	Adams Hill	77% White
1972	Gregorio Esparza	84% Minority
1974	Murray Boone	84% White
1976	Lock Hill	80% White
1978	Carlos Coon	72% White

Northside has 18 schools which are over 66% majority White and 6 schools that are at least 66% minority (see Table III).

It should be noted that of the new schools, all are racially identifiable, with the exception of Meadow Village. According to school officials the reason for this stems from the school district's building schools to accomodate the increased numbers of students and placing hem within the particular project areas. Thus, as the federal government built housing projects, the district built schools for the projects, essentially erecting walls around the incoming students. There is a direct corelation between the housing projects and the racial/ethnic composition of the schools, to wit:

Twin Oaks -- 236 Project -
(higher income) - Students attend Glen Oaks (90% White)

Wurzbach Manor - 236 Project

Students attend Shenandoah (85% White)

Castle Ridge Apartments - Section 8 Project (low income)

Students attend Passmore (73% Minority) and Meadow Village (54% Minority)

TABLE III

DISTRICT NAME: NORTHSIDE ISD

	BLACK	PCT	WHITE	PCT	HISP	PCT
Enrollment	1417	5	18978	63	9470	31
Vocational Education	126	6	1531	68	567	25
Suspensions	100	9	668	60	340	31
ESL Enrollment	0	0	2	0	574	99
Special Education	137	4	1647	54	1255	41
EMR/EMH	10	8	53	42	63	50
SCHOOL ENROLLMENTS FOR 34 SCHOOLS REPORTING:						
Adams Hill	42	7	465	77	74	12
J.B. Passmore Elementary	52	10	147	27	341	63
Lackland City Elem.	25	6	251	57	154	35
Leon Valley Elemetary	10	1	588	86	78	11
Shenandoah	15	2	531	85	75	12
Thunderbird Hills	64	7	324	35	538	58
Meadow Village Elem.	0	4	0	45	0	50
Cable Elem.	14	4	70	18	286	75
Colonies North Elem.	0	0	682	85	104	13
Glenoaks Elementary	0	0	371	90	39	10
Helotes Elem.	2	1	278	83	53	16
John Glenn	62	8	423	56	266	35
Lock Hill Elementary	25	3	644	80	133	17
Mary Hull Elementary	27	4	282	45	312	50
Oak Hills Terrace Elem.	4	1	612	81	132	17
Sunset Hills Elementary	5	1	371	73	123	24

Valley High Elementary	15	6	174	67	62	24
Westwood Terrace	20	3	318	52	267	44
Forest Hills Elementary	42	4	156	17	738	78
Anson Jones Middle	132	10	576	44	574	44
Coke R. Stevenson Middle	6	1	506	81	106	17
N.P. Hobby Middle	20	1	1245	84	198	13
Pat Neff Middle	9	1	849	77	239	22
Pease Middle	78	8	732	72	195	19
Sam Rayburn Jr. High	41	5	529	64	254	31
Sul Ross Middle	93	7	409	29	888	64
Northside Opportunity Center	6	12	37	76	6	12
John Jay High	271	9	1999	66	707	23
John Marshall High	32	1	2748	86	396	12
D.W. Holmes High	185	6	1579	53	1177	40
Cerebral Palsy	5	11	15	33	26	57
Mackey School	0	0	55	60	37	40
Gregorio Esparza Elem.	46	6	131	16	644	78
Murray E. Boone Elem.	7	1	552	84	86	13
Carlos Coon Elementary	24	3	561	72	183	23
TOTAL	1379		19210		9491	

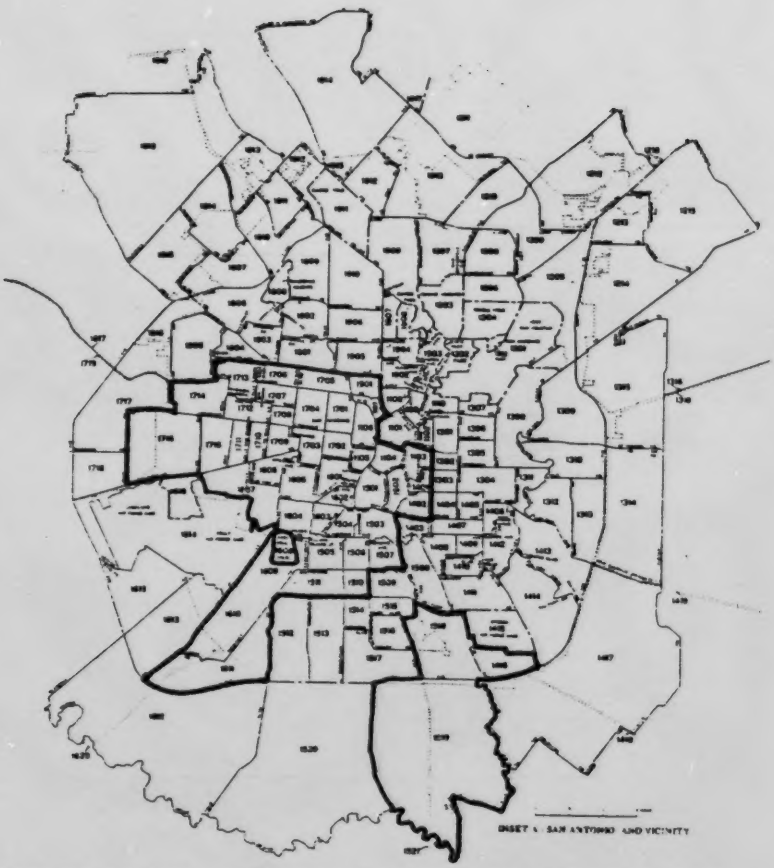
SOURCE: *Directory of Elementary and Secondary School Districts, and Schools in Selected School Districts: School Year 1976-1977* Volume I of III. U.S. Dept. of HEW/Office for Civil Rights

Culebra Park - 235 Project - Fifteen hundred low income single family dwellings -- Children attend Forest Hills (82% Minority), Esparza (84% Minority) (and Thunderbird Hills (65% Minority))

A new Section 8 project, Ingram Square, is currently being built. When that is completed, children living in those low income apartments will attend Thunderbird Hills, which already has a 65% minority enrollment.

As with federally subsidized housing, and the spiraling enrollments in Northside, there is a logical explanation for the enrollment patterns of the five predominantly Hispanic school districts in San Antonio. Figure B illustrates those areas of the City in which 60% or more of the population is Hispanic (Mexican American). (Source: *Segregation Patterns in San Antonio, Texas* (1974) an unpublished report by Leovigildo Zuniga) When compared with Figure A, it is most apparent that the boundaries of the five districts are coterminous or almost coincident with areas of high Hispanic concentrations. Figure C shows the map of San Antonio, by census tracts, marking those areas of the City which properties had restrictive covenants prohibiting the sale of property to Mexican Americans and/or Blacks. When compared to Figures A and B these restricted areas form a cordon around the minority residential areas, especially to the Northern part of the city. Figure D illustrates the number of housing units with restrictions by census tract in the "White areas" of San Antonio. Appendix B lists the names of the subdivisions within those restricted areas, and indicates the time frame within which they were developed. (Source: *The Impact of Restrictive Deed Provisions on Racial/Ethnic Segregation Patterns in the San Antonio Metropolitan Area* (1975).

FIGURE B



SOURCE: "Segregation Patterns in San Antonio, Texas" (1974), an unpublished report by Leovigildo Zúñiga.

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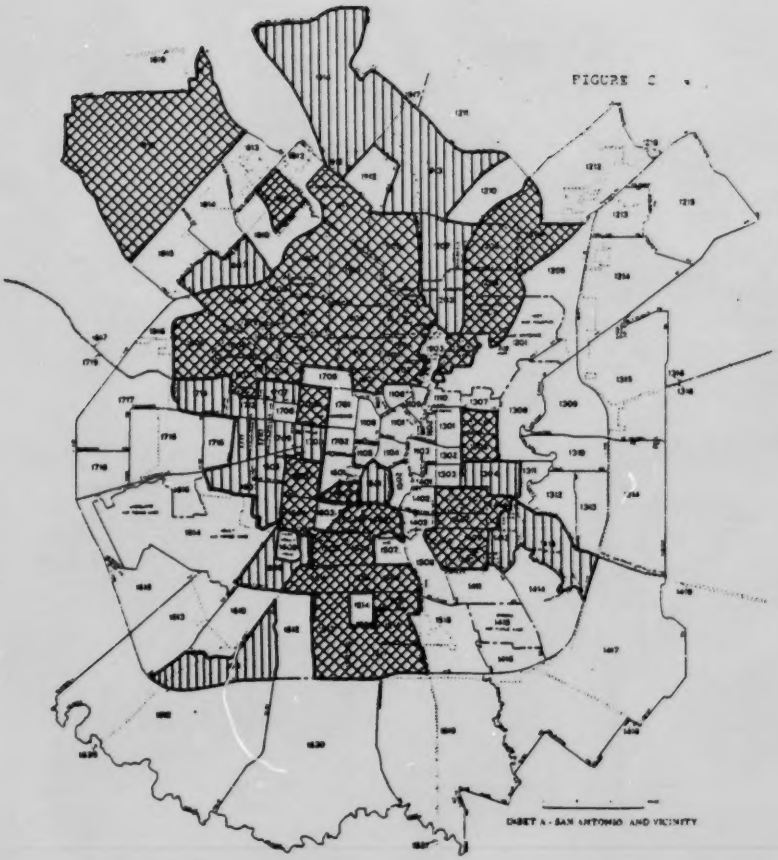
FIGURE C



TRACT--RESTRICTIVE PROVISIONS AGAINST CHICANOS AND BLACKS FOUND HERE

TRACT--RESTRICTIVE PROVISIONS AGAINST BLACKS ONLY FOUND HERE

SOURCE: "The Impact of Restrictive Deed Provisions on Racial/Ethnic Segregation Patterns in the San Antonio Metropolitan Area" (1975), an unpublished report by Ricardo González Cedillo.

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FIGURE D
SAN ANTONIO, TEXAS
NUMBER OF HOUSING UNITS
WITH RESTRICTIONS
1921-1951

CENSUS TRACT	HOUSING UNITS	OCCUPIED HOUSING UNITS	BLACK RESTRICTIONS	BLACK AND MEXICAN AMERICAN RESTRICTIONS
1202	3057	2593	248	888
1203	3247	3041	220	0
1204	1915	1859	371	315
1206	2803	2579	0	1088
1207	2908	2625	416	0
1208	2757	2661	0	469
1209	1955	1768	0	27
1304	2629	2442	152	0
1305	2545	2369	54	126
1306	2063	1957	263	60
1404	1453	1452	406	191
1405	1626	1539	0	584
1406	618	584	0	114
1407	1488	1447	225	74
1408	1951	1855	294	537
1409	737	711	0	694
1410	917	862	100	128
1412	2169	2086	156	0
1413	721	637	48	0
1501	2087	1954	35	0
1503	1568	1515	115	63
1504	1523	1469	230	152
1505	2601	2500	144	197
1506	1401	1348	119	104
1509	2244	2132	202	665
1510	1104	1072	108	681
1511	1895	1836	0	380
1513	1624	1569	0	421
1515	849	832	0	288
1516	1796	1732	0	138
1517	1697	1643	0	594
1602	1011	972	0	374
1604	1507	1364	354	778
1605	2385	2326	0	235
1606	1530	1460	551	0

CENSUS TRACT	HOUSING UNITS	OCCUPIED HOUSING UNITS	BLACK RESTRICTIONS	BLACK AND MEXICAN AMERICAN RESTRICTIONS
1607	2203	2027	909	0
1609	2581	2399	455	0
1611	1085	966	591	0
1703	2483	2400	619	0
1704	3546	3336	0	59
1706	1640	1582	23	470
1707	1477	1423	918	0
1709	1779	1713	84	0
1710	1943	1743	613	0
1711	1106	1033	274	0
1712	932	864	337	0
1713	1809	1766	845	185
1714	935	913	141	0
1801	3046	2919	0	1542
1802	3316	3152	0	552
1803	1344	1302	0	568
1804	620	598	36	405
1805	1530	1424	23	275
1806	2634	2574	0	439
1807	1928	1754	238	0
1808	1361	1168	0	580
1809	4642	4543	0	719
1811	1321	1284	0	64
1818	726	705	0	194
1901	1660	1532	0	67
1902	2898	2582	0	105
1904	1496	1387	0	541
1905	4162	3874	394	468
1906	3689	3502	328	225
1907	1398	1309	0	106
1908	938	886	0	793
1909	3999	3698	0	638
1910	5560	5349	0	1256
1911	1743	1645	593	95
1913	1533	1375	184	0
1914	259	257	27	0

SOURCE: *The Impact of Restrictive Deed Provisions on Racial/Ethnic Segregation Patterns in the San Antonio Metropolitan Area* (1975), an unpublished report by Ricardo González Cedillo.

A comparison of Figure B with Figure C shows that no significant population changes have occurred to the north of the city between 1951 and 1975 with the exception that Hispanics comprise 60% of the population in three area tracts that were previously restricted to them--1901, 1706 and 1713. These are essentially the areas where the low income housing was developed. The Hispanic population, for all practical purposes, has spread out over most of the inner western and southern parts of the city; the Black population is concentrated in the inner and eastern parts of San Antonio.

The reason for looking extensively into the areas of population concentrations in the city is because a case probably can be made for determining that the housing restrictions of the past contributed to a great extent to the cumulative segregated effect of the school districts in San Antonio. Although the facts here presented are certainly insufficient to prove *de jure* segregation, the fact that in 1926 the Supreme Court declared restrictive contracts valid (Corrigan vs. Buckley, 271 U.S. 323) until it reversed itself in 1948 (Shelley vs. Kraemer, 344 U.S. 1), lends credence to the fact that this may indeed, be *prima facie* evidence of *de jure* segregation of minority students in San Antonio. In the Memorandum Opinion and Order (Austin III, C.A. No. A-70-CA-80) the district court affirmed that:

> The argument that AISD's schools are segregated not because of discrimination, but rather because people simply do not evenly distribute themselves in neighborhoods, ignores the contribution that official discrimination in Austin has made to the residential seggregation in the city, and ignores as well the historical manipulation of the concept of "neighborhood schools" by the AISD in order to promote segregation. (January 2, 1980)

LAU AND DESEGREGATION

A topic which has been widely discussed in the past five years has been the Lau decision and how it is affected by desegregation court orders. Some of the previous discussion in this presentation has dealt with how well (or how poorly) Lau/bilingual concerns have fared within the context of race desegregation. Peter Roos of MALDEF articulates the fact that Hispanics feel threatened by a desegregation decree which indiscriminantly reassigns students throughout the system. He suggests that if all children in need of bilingual instruction were reassigned without considering their educational needs, there would not be sufficient numbers of children in any one school to justify bilingual bicultural instruction. (Source: "Bilingual Education: The Hispanic Response to Unequal Educational Opportunities." *Law and Contemporary Problems*, Duke University, 1978, at 135)

Several cases have already been discussed which speak to how the needs of language minority students have not only been addressed by the courts but have become an integral part of the desegregation plan, such as in Detroit (Bradley vs. Milliken) and even the basic part of the plan such as in Boston (Morgan vs. Kerrigan), where the judge ordered that limited English speaking Minority students be assigned first to prevent their dispersal. Thus, it is fairly safe to assume that there is no apparent conflict between Lau compliance desegregation in terms of the reassignment of students.

Leaving aside the issue of pupil assignment to schools, some time should be devoted to pupil assignment within the schools. The simple reassignment of pupils from one school to another with little or no regard for compliance with Title VI CRA, is tantamount to the continuation of racially segregated schools. Title VI of the 1964 Civil Rights Act states that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (Source: Pub. L. 88-352, Title VI, Sec. 601, July 2, 1964 78 State 252)

Before receiving financial assistance from any of the numerous federally funded education programs, local education agencies must sign assurances that they will comply with the provisions of Title VI of the Civil Rights Act (Title IX and 504 assurances have subsequently been added.) Generally speaking, the only programs that are closely scrutinized for compliance are those applying for ESAA funds under the Emergency School Aid Act (ESAA). Out of a total of 1078 school districts in Texas, 80 have applied for ESAA funds. Therefore, unless the Office for Civil Rights (OCR) receives a complaint or initiates a review of school district, only those districts applying for ESAA funds will come under the scrutiny of OCR.

Thus one of the problems with Title VI compliance is that too few of the total school districts are ever examined for compliance. Another problem that must be dealt with is the lack on the part of almost all involved to include Hispanics and other minorities when examining Title VI compliance issues, especially within school districts that are implementing a desegregation plan. The Congress provides funds under the Emergency School Aid Act to those school districts that are implementing a desegregation plan.

Specifically, the purpose of ESAA is to provide financial assistance--

(1) To meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools; and

(2) To encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

As with desegregation in general, ESAA tends to be viewed as a "Black program." This gross misconception will be further emphasized by the recent elimination of pilot programs and the shift of ESAA bilingual funds to the Office of Bilingual Education, although these particular funds will be granted only in support of a desegregation plan. (PL 95-561)

The Office of Civil Rights examines school districts for Lau compliance and all areas relevant to Title VI as specified in the ESAA regulations. These areas include but are not limited to:

(a) Limiting curricular or extracurricular activities or participation of children in those activities, to avoid the participation of minority group children;

(b) Denying equality of educational opportunity, or otherwise discriminating on the basis of language or cultural background, against national origin minority group children;

(c) Permitting the rental, use, or enjoyment of any of the LEA's facilities or services by a group or organization that-

(1) Discriminates against minority group children aged five through 17 in its admissions or membership policies; or

(2) Otherwise practices, or permits to be practices, discrimination against these children on the basis of race, color or national origin;

(d) Imposing disciplinary sanctions including expulsion, suspension, or corporal or other punishment--in a manner that discriminates against minority group children on the basis of race, color or national origin;

(e) Assigning students to ability groups, tracks, special curricular or extracurricular activities on the basis of race, color, or national origin;

(f) Denying to minority group children, on the basis of race, color or national origin facilities or instructional or other services comparable to those provided to non-minority group children. (45 CFR Part 185.21d)

Additionally, ESAA regulations stipulate that:

No LEA is eligible for assistance under the Act if, after June 23, 1972, it has had or maintained in effect any other practice, policy or procedure that results in discrimination on the basis of race, color, or national origin in the recruiting, hiring, promotion, payment, or assignment of any of its employees or other personnel for which the agency has any administrative responsibility. This includes the assignment of full-time classroom teachers to the schools of the LEA in a manner that identifies any of those schools as intended for students of a particular race, color, or national origin. (45 CFR Part 185.2b(e))

ESAA requirements also extend to the involvement of parents and other community persons in the development and implementation of the ESAA programs.

A cursory glance at the comprehensive education plans discussed earlier--San Felipe del Rio and Keyes--and the ESAA requirements for Title VI compliance will find no discrepancies. A perusal will confirm a definite compatibility between Lau and what has heretofore been considered desegregation requirements for Black students.

In monitoring for Title VI compliance, OCR takes several critical areas into account, such as checking for the inclusion of language minority students in appropriate educational programs, and the disproportionate representation of minorities in:

.vocational education
.special education
.EMR-EMH
.suspensions and expulsions.

A recently published compilation of the OCR 101-102 surveys conducted nationwide in 1976-1977 lists state and national totals of students included in these categories. In all but one of the areas, the State of Texas is higher than the national average in terms of including minorities in the specified areas.

	NATIONAL		TEXAS	
Minority Pupils Enrolled in	Number Minority Pupils	Percentage (%)	Number Minority Pupils	Percentage (%)
Vocational Education	1,146,179	24%	111,559	36%
Special education	828,417	28%	96,667	46%
EMR/EMH	27(,189	44%	17,885	65%
Suspended/ expelled	588,203	36%	40,572	56%
ESL/Bi-lingual education	430,715	41%	111,743	40%

It should be noted that in the area of ESL/Blingual Education OCR reports show that 1,038, 248 limited English proficiency (LEP) children have been identified nationwide; of these, 4030,715, or 41% are receiving ESL/Bilingual Education instruction. In Texas 279,681 LEP students have been identified; of these, 111,743 or 40% are receiving ESL/Bilingual instruction. (Source: *Directory of Elementary and Secondary Districts, and schools in selected school Districts: School Year 1976-1977.* Volume I of II U.S. Dept. of HEW/Office for Civil Rights) The selected school districts. Since 13 San Antonio school districts were previously used for purposes of illustration, tables showing the detail for these districts in the above areas are found in Appendix C.

CONCLUSION

How has school desegregation addressed the needs of Hispanics? Minimally. Hispanic students are clearly not deriving the benefits that are rightfully theirs in keeping with the provisions of the Civil Rights Act, 1964.

RECOMMENDATIONS:

1. That Hispanics take a more comprehensive look at the implications of desegregation for national origin minorities. Specifically, Hispanics must move beyond bilingual education; especially in those court cases where illegal segregation is also being addressed. Case in point: the recent motion to enforce brought by MALDEF et al. against the Texas Education Agency (U.S. vs. Texas CA 5281). Of the ten areas in the court order, only one was the focus of the court action: section G which deals with curriculum and compensatory education, and within this category bilingual/bicul-

tural education. Not included in the motion to enforce were the sections dealing with student transfers, faculty and staff hiring and assignment, transportation, extracurricular activities and student assignments. Of particular significance is the section dealing with student assignments, since there are close to 200 school districts in Texas that have schools with 66 percent or more minority students including the five predominantly Mexican American districts in San Antonio. (See Appendix D) Clearly Hispanic and other minority children could have derived greater benefits had the U.S. vs. Texas suit included some of the above mentioned areas (where violations had already been found by the court and remedies ordered) in the motion to enforce.

2. Hispanic efforts must be redirected in terms of seeking additional resources to meet the needs of the students. Of all the funds available from the federal government, Hispanic children have benefitted from little more than bilingual and migrant education programs.

   With the new thrust in federally funded programs, it is imperative to examine how (if?) the LEAs are including the needs of Hispanic students in those programs. Case in point: Do Hispanics know that bilingual/bicultural components can be included in the ESAA basic grants, even though bilingual projects *per se* are no longer funded through ESAA?

   Do Hispanics know that bilingual instruction can be provided with Compensatory Education funds, even though these funds are usually directed at reading and math remediation? (As in the case of the limited English proficiency student, how does one remediate English which is not there?) Hispanics have a legitimate right to be included in Title I Compensatory Education programs. The National Center for Education Statistics has documented the fact that persons with Spanish language backgrounds enrolled in grades 5-12 are twice are likely to be two or more grades below the grade levels expected for their ages, as were those with English language backgrounds. (Source: NCES Bulletin 78 B-4, July 26, 1978)

3. Hispanics must unite nationally behind a coordinated effort aimed at providing equal educational opportunities for the students. Timing is critical at this point:

--A new Department of Education is being organized at this time. What steps are being taken to ensure that the needs of national origin minority students will be met?

--With the passage of the education ammendments of 1978, new regulations are being developed for federally funded educational programs, such as ESAA, Compensatory, and Bilingual, among others. What steps are being taken to include language response programs at a minimum in ESAA and Compensatory Education programs?

The Office of Education should be pressed now into including a Title VI, IX and 504 mechanism for compliance in all funding applications as it does for ESAA.

The time for Hispanics to unite as advocates is way over due. A national movement such as PUSH is vital at this point. Hispanic parents need to be educated in terms of what the schools should be doing for their children and how parents can demand it.

APPENDIX A

A COMPREHENSIVE EDUCATIONAL PLAN FOR THE SAN FELIPE DEL RIO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

I. On August 13, 1971, this Court entered an order pursuant to United States vs. Texas, 321 F. Supp. 1043 (E.D. Tex. 1971), requiring the development and submission to the Court of a comprehensive educational plan containing sufficient educational safeguards to insure that all students in the San Felipe Del Rio Consolidated Independent School District will be offered equal educational opportunities. By order of the Court, these "safeguards" were to "include but ...not necessarily be limited to bilingual and bicultural programs, faculty recruitment and training and curriculum design and content."

Subsequently, the School Board of San Felipe Del Rio Consolidated Independent School District appealed to the Court of Appeals of the Fifth Circuit, complaining particularly of that portion of this cort's order relating to bilingual and bicultural educational programs, and also contesting the venue of this civil action. A motion for stay of this court's order was denied by

this court and by the Court of Appeals. Thereafter, the appelant school board and the Department of Justice informed the Court of Appeals that the matter in controversy had been "settled", and that such parties had agreed upon a new comprehensive plan. Such parties jointly moved the court to remand this civil action to the trial court, with directions that the trial court adopt the plan agreed upon by the School Board and The Department of Justice. On November 3, 1971, the Court of Appeals remanded this cause to this court "for further proceeding".

At the hearing before this court on November 26, 1971, it was revealed that none of the members of the school board of the former San Felipe Independent School District had been notified of or had participated in the negotiations between the school board of the newly consolidated district and the Department of Justice, although four members of the former San Felipe Board were made members of the newly consolidated school district by order of this court previously entered. Likewise, none of the attorneys representing the Amici Curiae were notified of or participated in these negotiations. The evidence adduced at the most recent hearing in this court also revealed that efforts to obtain federal funds to implement the Comprehensive Educational Plan, provided for in this court's order of August 13,1971, have been extremely tentative, desultory and ineffective.

Considering the acknowledged sophistication in this field of litigation of the appelland school board's present attorneys, considering the professional qualifications and expertise of the school administration, particularly the superintendent, and also considering the undisguised hostility of the members of the interim board who were members of the board of the former Del Rio Independent School District to this courts plan relating to bilingual and bicultural educational program, the court is of the opinion that the school district has made no sincere or good faith effort to obtain federal funding of the Comprehensive Educational Plan ordered by this court.

Also, it should be noted that, although this court was led to believe that practically unlimited federal resources for the implementation of this plan were available in the form of discretionary funds available to the Secretary of Health, Education and Welfare, and that the Secretary vigorously supported such a plan, only a modicum of the funds required has been advanced by the Department of Health, Education and Welfare to this date. In this connection, it is further noted that the Department of Justice has apparently made no effort whatever to assist the school district in the obtaining such funds, although this court adopted the plan urged by the Department of Justice.

It is obvious that the plan adopted by this court cannot be implemented unless a sincere and good faith effort is made jointly by the school board and the Department of Justice to obtain such funds and unless the Secretary of Health, Education and Welfare sees fit to grant them. This court feels very strongly that the Department of Health, Education and Welfare and the Department of Justice should not urge the adoption of a plan upon this court, giving assurance of practically unlimited funds to implement it, and then, through neglect, inaction or misdirection, effectively frustrate its implementation.

Giving consideration to the evidence adduced at the hearing on November 26, 1971, the Court has adopted the following Comprehensive Educational Plan for the San Felipe Del Rio Consolidated Independent School District, which contains the following elements:

a. Professional Staff Treatment and Assignment
b. Curriculum Design and Content and Instructional Methodology
c. Student Assignment and Classroom Organization
d. Staff Development
e. Parent and Community Involvement
f. Special Education
g. Non-Instructional Support
h. Funding and Timing
i. Evaluation of Comprehensive Plan

This plan is ordered to be effectuated in the belief that it can be implemented by the District, if adequately supported by Federal grants.

II. PROFESSIONAL STAFF TREATMENT AND ASSIGNMENT

The consolidated school district shall adhere to the following basic principles in the treatment and assignment of staff:

(a) All valid contracts currently existing between the former San Felipe Independent School District and professional staff employed by that district, and between the former Del Rio Independent School District and professional staff of that district, be honored in their entirety by the consolidated district.

(b) All professional staff of both the former San Felipe Independent School District and the Del Rio Independent School District who had been granted tenure prior to consolidation are to be considered as tenured in the new consolidated district.

(c) Any demotions in position, salary, or responsibility of any members of the professional staff of the new consolidated district shall occur in accordance with the orders of the Court in this case.

(d) Principals of schools in the two previously existing districts will serve in the same administrative positions in the new consolidated district: however, assignment to specific schools should be made in a manner which insures geographic dispersal, so that members of one ethnic group will not be concentrated in any geographic area.

(e) The District will undertake vigorous recruitment and staff development effort toward a long-range goal that the ethnic composition of the administrative staff approximate the ethnic composition of the school district community.

(f) The administrative staff, faculty and other staff who work directly with children in the new consolidated district should be assigned so that the ethnic ratio of teachers and staff who work with children in each school is substantially the same as the ethnic ratio of teachers and staff who work with the children in the district as a whole.

III. CURRICULUM DESIGN AND CONTENT AND INSTRUCTIONAL METHODOLOGY

In order to ensure safeguards against the educational exclusion of any educationally or economically deprived child enrolled in the San Felipe Del Rio Consolidated Independent School District, it is necessary that this comprehensive plan for the new consolidated district recognize the responsibility of the educational agency to provide an individualized instructional program which is compatible with their cultural and learning characteristics. The following plan for curriculum design provides for such safeguards, while recognizing the cultural and linguistic pluralism of the student body and providing equal opportunity for reinforcement and expansion of that pluralism to provide for the characteristics of the larger environment in which he shall function in the future. The plan is based on three principles:

--that the cultural and linguistic pluralism of the San Felipe Del Rio Consolidated Independent School District student body necessitates the utilization of instructional approaches (in addition to those now used) which reflect the learning styles, background and behavior of

all segments of the student community: modification of curriculum design, and the development of new instructional skills and materials are part of the development of pluralistic instructional approaches.

--that the educational program of the district should incorporate, affirmatively recognize and value the cultural environment and language background of all of its children so that the development of positive self-concepts in all children of the district can proceed space, toward both the immediate and ultimate goals of those children functioning effectively in a pluralistic society.

--that language programs be implemented that introduce and develop language skills in a secondary language (English for many Mexican American students, Spanish for Anglo students), while at same time, reinforcing and developing language skills in the primary language, so that neither English nor Spanish is presented as a more valued language, even though it will be called to the attention of the students that English is the basic language of the United States.

A. Early Childhood Education Program

The San Felipe Del Rio Consolidated Independent School District will implement an early childhood program for 3, 4 and 5 year-old economically disadvantaged children which will focus on the development of basic cognitive skills as well as the development of bilingual (Spanish and English) capabilities in children. Such a program will be implemented as soon as practicable.

All children will be included in the future development of the program. Implementation of the program shall be programmed for rapid, yet educationally sound, development. Some of initial activities to be conducted include: staff selection and development; formulation of a design for parental involvement; establishment of program objectives and meeting non-instructional needs. Previously developed early childhood education programs will be examined to aid in the development of a program designed to meet the needs of the San Felipe Del Rio Consolidated Independent School District children. The program will reflect compatibility with the child's cultural and linguistic characteristics. Such a program shall:

(a) provide instruction in the language system of the child as one or more additional language systems are developed;

(b) provide for teaching methodology compatible with the child's learning style, including his: (1) preferred mode of communication, (2) preferred mode of relating, and (3) motivational style;

(c) provide for the systematic development of basic cognitive, affective, psychomotor skills, including: (1) problem solving, (2) auditory discrimination, (3) sensory-motor, (4) language development, and (5) perceptual;

(d) provide for a process-oriented curriculum;

(e) provide for the development of self-direction and choice making skills;

(f) provide for the reinforcement of the child's cultural heritage and ethnic identity and for an understanding and appreciation of that of others;

(g) provide for small group and individualized instruction;

(h) provide for the utilization of community personnel reflective of the student population in terms of ethnicity, economic status, and area of residence in para-professional roles;

(i) provide for meeting the non-instructional needs of the children including health, nutritional, and family services assistance;

(j) provide for comprehensive parental involvement at both the planning, implementation and evaluation level of the program as well as at the instructional level as parent volunteers fully engaged in the learning-teaching process.

B. Grades K-4

The San Felipe Del Rio Consolidated Independent School District shall implement a K-4 program that presents to all children a bilingual-bicultural instructional program which utilizes the child's language system (English, Spanish, or a blend of both) as the medium of instruction as proficiency in one or more additional language systems is developed. This shall be accomplished by the implementation of at least the following:

--grouping of instructional units to include not more than 60 students (including migrants) to be served by: two bi-

lingual-bicultural teachers or one bilingual-bicultural teacher and one mono-bicultural teacher; two bilingual community para-professionals and one or more volunteer parents;

--team teaching and small group methodologies such as those which presently characterize the open classroom concept will be utilized;

--development of curriculum materials and methodologies to reflect a culturally pluralistic instructional approach;

--evaluation and subsequent modification of all instructional materials for the removal of all stereo-typing historical misrepresentations and other negative cultural presentations;

--implementation of both English as a second language and Spanish as a second language components as part of the instructional program;
--implementation of individualized and small group instructional activities for meeting specific learning needs of individual children or groups of children;

--utilization of bilingual-bicultrual staff specialists in diagnostic roles for the development of prescriptive teaching;

--initiation of comprehensive staff development activities responsive to the implementation of these strategies.

These strategies must be implemented within the context of heterogenous classroom composition which include the absorption of migrant children and handicapped children as members of all classroom populations with the exception of severely handicapped children who cannot function in the regular classroom.

C. Grades 5-6

In grades 5 and 6 the San Felipe Del Rio Consolidated Independent School District shall implement a two-phased development plan which will enable all students enrolled in the 5th and 6th grade in September 1972 to be full participants in the bilingual-bicultural instructional program which accepts the child's preferred mode of communication (i.e., language system) as the language of instruction while one or more additional language systems are developed. This shall be accomplished by the implementation of at least the following:

In 1971-72:

--Assignment of bilingual-bicultural resource teachers at a ratio of one teacher to three hundred students to serve fifth and sixth grade classroom;

--Initiation of English as a second language strategies on a prescriptive basis for students diagnosed to need additional English language development;

--Implementation of individualized, individually prescribed and small group instruction;

--Development of culturally relevant, fair and reinforcing instructional materials in social studies;

--Evaluation and subsequent modification of all instructional materials for the elimination of all stereotyping, historical misrepresentations and other negative cultural presentations;

--Assignment of bilingual/bicultural staff specialists in diagnostic roles for the development of prescriptive teaching.

In 1972-73:

--Initiation of a bilingual/bicultural instructional program which accepts the child's preferred mode of communication (i.e., language system) as the language of instruction while one or more additional language systems are developed;

--Development or adaptation of instructional materials to ensure reinforcement of both the language and the various cultures represented in the student body;

--Continuation of English as a second language and Spanish as a second language instruction on a prescriptive basis to serve children diagnosed as deficient in either language.

D. Grades 7-8

The two-phase program implemented in grades 5 and 6 shall be implemented within the identical time sequence in grades seven and eight. Additionally, the district shall:

--Implement a comprehensive counseling program using bilingual-bicultural personnel aimed at decreasing the drop-out rate and increasing both the availability of academic options for students preparing to enter high school and their receptivity to such options;

--Implementation of inter-cultural awareness and understanding program utilizing group guidance and other appropriate strategies.

E. Grades 9, 10, 11 and 12

The San Felipe De Rio Consolidated Independent School District shall implement, as soon as practicable and prior to the 1972-73 school year, a program which includes: (1) the immediate implementation of instructional and non-instructional activities which respond to the pluralistic characteristics of the student population, provide sequence and continuity to the instructional activities conducted at the two previous high schools, and respond to the motivational styles and socioeconomic and cultural backgrounds; and (2) the development of an instructional program including course offerings, instructional materials, and methodologies which respond to and capitalize on the needs and capabilities of students who have been involved in bilingual/bicultural education. This shall be accomplished by implementation of at least the following:

--Assignment of bilingual/bicultural diagnostic staff specialists among testing and evaluation personnel;

--Assignment of bilingual/bicultural personnel in the guidance and counseling program of the school;

--Assignment of one bilingual/bicultural teacher to implement English as a second language instruction on a prescriptive basis;

--Development of an intensive program to identify scholar ships and financial assistance for disadvantaged and all other students, with priority to be given to disadvantaged students, assist disadvantaged and all other students in enrolling in college, with priority to be given to disadvantaged students;

--Modification and expansion of literature and social studies curriculum to reflect pluralistic characteristics of the student population; provide cultural reinforcement,

and historical, anthropological and sociological accuracy;

--Modification and expansion of home economics curriculum to respond to the life styles, family structures and needs of children in all cultures represented in the student body;

--Assignment of bilingual/bicultural personnel to coordinate development and implementation of literature, social studies and home economics programs;

--Initiation of ethnic studies courses;

--Evaluation of vocational education and home economics programs in terms of (1) relevance of offerings to current community needs and projected needs and (2) the maintenance of student-centered decision making as to options within and without vocational education;

--Implementation of an inter-cultural awareness and understanding program utilizing group guidance and other appropriate strategies;

--Assignment of bilingual/bicultural High School Curriculum Development Director whose duty shall be to develop an instructional program, including course offerings instructional materials and methodologies which respond to and capitalize on the needs and capabilities of students.

F. Summer and Enrichment Programs

The San Felipe Del Rio Consolidated Independent School District shall develop programs beyond the regular instructional programs which effectively continue to extend the services extended to children in the districts prior to consolidation. Summer pre-school and elementary programs, neighborhood youth corps programs and other enrichment programs would be offered. The new school district shall continue the practice of providing summer job opportunities for disadvantage college students in the summer programs.

IV. STUDENT ASSIGNMENT AND CLASSROOM ORGANIZATION

The combined migrant student projections for the San Felipe Del Rio Consolidated Independent School District indicate that approximately 1,000 students qualify as migrants. This represents approximately 15% of the total school population.

Special educational needs of migrant students will necessitate the instructional grouping of such students for a portion of the regular school day. Such groupings, however, will not

exceed one hour of the regular school day. Migrant students will be assigned to regular heterogenous classrooms and provisions for classroom spaces (to be reserved for migrant students) shall be made at the beginning of the academic year, in order that migrant students be assured of placement in regular classrooms. Student assignment to courses which require or utilize pre-enrollment or pre-registration procedures will be made on a first-come, first-serve basis. Students from the two consolidating districts will be allowed to enroll in any courses having as prerequistes courses not offered in the school they previously attended or not required as part of the basic academic program the student was pursuing in the previously attended school, upon recommendation of the principal of the school which the student previously attended.

V. STAFF DEVELOPMENT

A. Basic Assumptions

1. Discriminatory practices and prejudice have no place in either the education of children or the selection and training of staff;

2. The fruition of any curriculum design is contingent upon maintaining the most competent available personnel;

3. For an adequate program of bilingual/bicultural education to function, bilingual bicultural personnel reflective of the various ethnic and cultural backgrounds of the student body must be employed;

4. The needed competencies and understanding requisite to a desirable educational program for all children can be developed through careful staff selection and effective in-service training.

B. Staff Development Plan

The following staff development is designed to provide equal access to the full benefits of the District's educational program for all children in the District.

1. The San Felipe Del Rio Consolidated School District will develop and implement a comprehensive staff development plan which will increase the capabilities of the District's staff (administrative, instructional, counseling, and para-professional) to respond to the needs of minority group students and all other students.

2. The District should submit this plan to a court appointed Multi-Ethnic Advisory Committee for review, comment and suggestions no later than thirty days from the appointment of such committee. The approved plan should be ready for initiation within sixty days from the date the School Board receives the report of the Multi-Ethnic Advisory Committee.

3. The Staff Development Plan will include as a minimum the following components:

(a) Direct involvement of community representatives of all ethnic groups on an equal basis in planning, implementation, monitoring and evaluation.

(b) Involvement of school personnel from all levels on an equal basis in planning, implementation, monitoring and evaluation.

(c) Appointment, within thirty days of approval of Staff Development Plan, of a full-time staff Development Plan Coordinator. The Multi-Ethnic Advisory Committee should be consulted on recommendations for the Coordinator and should work with the Superintendent in developing the job description for the position.

(d) Immediate initiation of systematic and intensive efforts to recruit minority group staff at the professional, para-professional and non-professional level.

(e) Immediate development of a management plan to implement the staff development plan and to ensure continued involvement by all segments of the community in all phases.

(f) Initiation of a Special Career Development Program. This program will provide and support the identification, multiple-level entry and placement of Mexican American and other minority group members into all levels of the school system (i.e. administrative, supervisory, pupil personnel services, guidance and counseling, teaching and other supportive staff).

To ensure effective implementation of this component, the Multi-Ethnic Advisory Committee shall designate a three-person sub-committee from its membership to monitor this aspect of the Plan. The Special Career Development Program will include as a minimum:

1. Specific selective criteria which reflect the need in this system for competent bilingual/bicultural supervisory, administrative and teaching personnel who are sensitive to the needs of all children.

2. A time schedule designed to bring systemwide minority employment to an equitable level at the administrative, supervisory and teaching levels.

3. A plan for disseminating information on specific selection criteria to all levels of the system and the community, in accordance with the orders of the court.

4. Provisions to ensure upward mobility of minority group personnel into supervisory and administrative positions at all levels based on individual demonstrated and potential ability and District needs.

(g) Initiation of a systemwide staff training program developed through joint staff and community effort which will include at least the following components:

1. Cultural awareness training that will include School Board members, key community leaders, administrative staff, teaching personnel, counseling and guidance personnel and parents.

2. Curriculum development to meet the needs of all children.

3. Pupil diagnosis, prescriptive teaching and behavior modification strategies.

4. Bilingual, oral language assessment and ESL training.

5. Team teaching and differentiated staffing.

6. Tests and measurements techniques for measures bicultural student performance.

Such a staff training program shall be implemented with technical assistance support provided by resources both external and internal to the District. All of the above training activities shall be initiated during the 1971-72 school year.

(h) The San Felipe Del Rio Consolidated Independent School District and representatives from appropriate teacher training institutions will execute plans leading to training activities which will assist participants where appropriate in obtaining credit toward certification.

VI. PARENT AND COMMUNITY INVOLVEMENT

An essential element of a comprehensive educational program is the active involvement of parents and other community members in planning and operating the schools. If the atmosphere is one of cooperation, the parents view the school as a partner in a difficult but rewarding task -- the education of children. Teachers also learn from parents about the cultural and environmental background of the children. With appropriate staff development, teachers can draw on parent and community resources in providing learning experiences which meet the needs of all the children in school.

Accordingly, multi-ethnic school community councils will be established for the school district. The councils will be provided by the District with training and guidance essential to educate their members with the basic concepts of effective educational planning and evaluation.

The School Community Councils shall make a yearly evaluation of the new consolidated district's education program and shall assist the school district in formulating education goals and objectives. The School Community Councils shall assist the school district in the assignment evaluation of students for possible placement in Educably Mentally Retarded and Minimally Brain Injured classes.

VII. SPECIAL EDUCATION

The assignment of students to special education classes has been specified by the Texas Education Agency regulations. These specifications will be followed specifically in conducting the special education program of the District. In addition, a consultant will be employed to suggest program modification and improvements within the Texas Education guidelines.

The following steps will be taken:

(1) As in the case of the other staff, recruitment and selection of special education teachers will include those who can teach in both Spanish and English, and who have an understanding of the cultural backgrounds of minority group children and all other children in the program.

(2) The continued development and implementation of adequate screening, appraisal and assignment techniques that have as an integral part the assessment of the child's behavior at home, at school, and among his peers, and that in no way penalize those students whose home language is Spanish.

(3) The continued development of curricula and individualized teaching strategies that reflect the particular needs of the bilingual/bicultural child.

(4) An intensive effort to maintain a communication bridge between the parent and the school in such a way that parents not only have a knowledge of the entire special education program its effect on their child, but also are assisted by the school to provide considerable input into the functioning of the program.

(5) Inclusion of special education staff in the staff training program to develop an awareness of the cultural and linguistic factors that each child brings to school.

The committee that makes final assignment of students to special education classes shall include at least one Mexican American parent. This linkage will again serve as a source of dissemination of programs, goals and objective information from school to community. The total committee should reflect the overall ethnic composition of the students in the total program.

All communications with parents, written and oral, shall continue to be in the language they best understand.

VIII. NON-INSTRUCTIONAL SUPPORT

Co-curricular activities (all school-related activities that can be classified as non-academic) play an important part in the total educational experience of students. In order to assure equal education opportunity in the new consolidated district, the following steps will be taken:

A. A new co-curricular program shall be developed so as to reflect the background and interests of all students in the consolidated district, including but not limited to: school councils, honors organizations, booster clubs, school mascots, songs, chants, cheers, fraternities and sororities, school publications, dramatic activities, social activities such as dances, proms and banquets.

B. The reorganization and development of the new cocurricular program shall proceed on the basis that all previously existing school mascots, songs, chants, newspaper and yearbook names and school club or organization names are now null and void. The new student body in each school shall by general election select and name all of the above-named items, subject to ap-

proval of the School Board in the event that any of the named items are given names which are offensive or against public policy.

C. All organizations, clubs and activities of the consolidating districts shall be merged by holding new elections for officers of organizations and clubs and reorganizing social and athletic activities.

D. Speical consideration shall be given to the naming of honor students in the 1971-72 school year by the San Felipe Del Rio Consolidated Independent School District. The 1972 graduating class shall have co-valedictorians and co-salutatorians named from the 1970-71 eleventh grade classes at the former Del Rio and former San Felipe high schools, respectively.

XI. FUNDING AND TIMING

It is recognized that implementation of the foregoing Plan will require an expenditure of funds greater than the amount now being expended by the district. It is also understood that the implementation of some programs contained in the Plan is dependent upon availability of additional funds from Federal, State, local or other sources.

Taking into account the funding problems confronting the San Felipe Del Rio Consolidated Independent School District, the following will be done immediately:

(a) Each element of the foregoing Comprehensive Education Plan now being carried on in the District will be continued and those elements of each program component that can be implemented from resources presently available to the District will be implemented;

(b) The District will, in good faith, continue to make application for sufficient funds from Federal, State and other sources to effectuate all elements of the Comprehensive Plan. Assistance in locating, making application for and securing funds for the Comprehensive Plan will be sought and provided on a continuing basis through the Department of Health, Education and Welfare, the United States Office of Education, the Texas Education Agency and elsewhere in compliance with orders of this Court.

Insofar as the school district is capable of implementing all elements of the Comprehensive Plan immediately, the following priorities, for expenditure of funds and utilization and personnel, are established:

1. Staff training and development in accordance with the requirements of the Plan.

2. The bilingual/bicultural educational programs presently being operated or called for in accordance with the Plan.

3. Early childhood education program for three, four and five year-olds.

4. Counseling programs for seven and eight grade levels, presently in operation or called for in accordance with the Plan.

5. The program for teaching of English as a second language, presently being operated or called for in accordance with the Plan.

6. Special Education.

7. All other components of the Plan not listed above.

The obligation of the San Felipe Del Rio Consolidated Independent School District exists above and apart from the question of financing, and the District will commit such local funds as are available to the implementation of the Comprehensive Plan.

Special reports relating to the efforts being made to obtain funds from Federal, State and other sources to effectuate all elements of the Comprehensive Plan shall be made to this court by the Superintendent of the San Felipe Del Rio Consolidated Independent School District on the 12th and 28th days of each month for the remainder of the 1971-72 school year, beginning December 12, 1971. Specific and detailed explanations of any obstacles encountered shall also be reported. Copies of such report shall be forwarded forthwith to counsel for all parties, including counsel for the Amici Curiae, and to each of the members of the panel of the Court of Appeals for the Fifth Circuit which may consider this civil action an appeal.

Progress toward full implementation of the Comprehensive Plan will be reported to the Court, copies to the parties, on February 15, 1972 and May 15, 1972 and semi-annually thereafter on October 15 and February 15. Each report to the Court will describe in detail the elements of the Plan not in operation at that time. For those elements not in operation an explanation will be required, and a description of efforts to secure funding will be required.

X EVALUATION OF COMPREHENSIVE EDUCATIONAL PLAN

The school district administrative staff shall develop a comprehensive evaluation plan for all programs hereinbefore described. This evaluation process shall include a component for determining the effectiveness of all programs with respect to individual students as well as students as part of a racial or ethnic group.

To insure a more comprehensive evaluation process, an educational consultant team shall be invited to work with administrators, teachers, and parents in an effort to provide educational expertise in resolving any problems confronted in the implementation of the comprehensive plan.

SIGNED and ENTERED this 6th day of December, 1971.

UNITED STATES DISTRICT JUDGE

APPENDIX B

SAN ANTONIO SUBDIVISIONS WITH RESTRICTIVE COVENANTS

Census Tract	DEVELOPMENT NAMES	Date of Development 1921-1935=1 1936-1951=0
1902	Bel Meade	0
	Beverly Park	0
	North View	1
	Mahncke Park	1
	Natalen View	1
1203	Blue Bonnet	1
1204	Tereell Hills	1
	Norfolk Add.	0
	Larkwood Add.	0
	Burr Subd.	1
1206	Terrell Hts.	0
	Meadowview Add.	0
	Wilshire Village	0
1207	Olmos Park Hts.	1
	Crown Hill Acres	1
1208	Oakcrest	0
	Seidel Hills	0
1209	Forrest Oaks Add.	0
1304	Lincolnshire	0
1305	Jefferson Hts.	1
	Houston Hts.	1
1306	Eastlawn Subd.	0
1404	Highland Park	1
1405	The Highlands	1
1406	Pasadena Hts.	1

Census Tract	Development Names	Date of Development: 1921-1935=1 1936-1951=0
1407	Highland Gardens	1
	Inverness	1
1408	McCreless Subd.	0
	Crestholme Add.	1
1409	Highland Hills Subd.	0
1410	Lytle Hts.	1
1412 & 1413	T.E. Barnes Jr.	0
1501	Millers	1
1503	Millers	1
	Weynand	1
1504	Millers	1
	Nogalitos Hts.	1
1505	Division Hts.	1
1506	Division Gardens	1
1509	Rosemary Place	1
	Harlandale Gardens	1
	Spencer Add.	1
	Horningview Add.	1
1510	Pleasanton Park Add.	1
	Pleasanton Pk.Annex	0
	Rosaline Place	1
	Bonita Vista	0
	Argonne Hts.	0
1511	Brownwood Village	0
	Harlandale Acre Tracts	1
	June Park Add.	0
1515	Waremoore Estates	1
	Kellbrook	0
1517	Harlandale Acres	1

Census Tract	Development Names	Date of Development: 1921-1935=1 1936-1951=0
1602	Collins Gardens	1
1604	McNelly Hts.	0
	Brentwood Vill. Subd.	0
	Burkshire Add.	0
1605	Western Hts. Acres	1
1606	Southlawn Park	0
	Villa Texaco	0
	Villa Guadalupe	0
1607	Parkers Gardens	1
1609	New Fenfield Add.	1
1611	Loma Alta Add.	0
	Palo Alto Hts.	0
1703	Colonia Buenas Alturas	1
	Guadalupe Hts.	1
1704	not able to identify	1
1706	Ashbury Place	1
	University Hts.	1
	University Park	0
1707	Villa Aldama	0
	Cenizo Park	0
1709	Altura Add.	1
1710	Westlawn Park	1
	Westwood Estates	1
	Villa Augusta	0
1711	Villa Valencia	0
1712	Villa del Norte	0
	½ Villa Allende	0
1713	Culebra Hts	1
	Woodlawn Hts.	1
	Del-Haven	0

Census Tract	Development Names	Date of Development: 1921-1935=0 1936-1951=0
1714	½ Villa Allende	0
	Villa Princesa	0
1801	Woodlawn Park	1
	Woodlawn Terrace	1
	Monticello Park	1
	Jefferson Manor	1
1802	Greenlawn Estates	1
	Jefferson Terrace	0
	Monticello Hts.	0
1803	Woodlawn Hills Terr.	1
	Parkview Estates	1
	Woodlawn Hills County Estates	1
1804	Woodlawn Hills	1
	Hillcrest Village	0
1805	Woodlawn Hills Country Estates	1
1806	Inspiration Hills Community Sites	1
1807	Dream Hill Estates	1
1808	Balcones Heights	1
1809	Wonder Homes	0
1811	Oak Ridge Estates	1
1818	Oakland Estates	1
	Alamo Farmsteads	0
1901	Blanco Hill Estates	1
1902	McGarraugh's Add.	1
1904	Oakmont	1
	Northcrest	1
	Monte Vista	1

Census Tract	Development Names	Date of Development: 1921-1935=1 1936-1951=0
1905	Northhaven	1
	Woodlawn Place	1
1906	Blanco Terrace	1
	Northland Hts.	1
	San Pedro Place	0
1907	Northridge	1
	Olmos Park Terr.	1
1908	Olmos Park Estates	1
	Parkhill Estates	1
	Park Place	0
1909	East Shearer Hills	0
	North Shearer Hills	0
1910	Northmoor	1
	Lemanor Hts.	0
	Wicks Iowa Add.	0
	Allena Village	0
	Dellbrook Add.	0
	San Pedro Hills	1
	Los Angeles Hts.	0
	West Avenue Place	0
1911	Castle Hills	0
	Castle Hts.	0
1913	Rolling Acres	1
	Crown Hill Acres	1
1914	Lockhill Estates	0

SOURCE: "The Impact of Restrictive Deed Provisions on Racial/Ethnic Segregation Patterns in the San Antonio Metropolitan Area" (1975), and unpublished report by Ricardo González Cedillo.

APPENDIX C

Minority Student Enrollment
in Special Areas

EDGEWOOD:	Black	%	White	%	Hispanic	%	Total
Enrollment	891	5	466	2	18215	93	19606
Vocational Education	n/a	n/a	n/a	n/a	n/a	n/a	1593
Suspensions	60	10	4	1	542	89	606
ESL Enrollment	0	0	0	0	3921	100	3921
Special Education	27	4	27	4	623	92	678
EMR/EMH	8	5	4	3	140	92	152
SOUTHSIDE:							
Enrollment	11	0	643	29	1574	70	2241
Vocational Education	2	0	150	37	256	63	409
Suspensions	0	0	40	31	89	69	129
ESL Enrollment	0	0	0	0	581	100	581
Special Education	0	0	0	0	0	0	0
EMR/EMH	0	0	0	0	0	0	0
HARLANDALE:							
Enrollment	72	0	3827	22	13625	78	17568
Vocational Education	14	0	838	27	2257	73	3112
Suspensions	0	0	138	25	420	75	559
ESL Enrollment	0	0	0	0	2086	100	2086
Special Education	8	1	314	28	792	71	1114
EMR/EMH	4	1	63	24	201	75	268
SAN ANTONIO:							
Enrollment	10334	16	9668	15	45155	69	65475
Vocational Education	486	16	466	15	2075	68	3035

	Black	%	White	%	Hispanic	%	Total
Suspensions	406	27	204	13	912	60	1522
ESL Enrollment	54	1	24	0	4719	97	4859
Special Education	946	16	889	15	4044	69	5883
EMR/EMH	224	19	103	9	880	73	1207
SOUTH SAN ANTONIO:							
Enrollment	368	3	2471	22	8487	74	11344
Vocational Education	3	1	59	16	297	83	359
Suspensions	29	5	135	25	377	70	541
ESL Enrollment	0	0	4	0	1518	100	1522
Special Education	17	3	149	24	445	73	611
EMR/EMH	1	4	2	8	23	88	26
NORTH EAST:							
Enrollment	819	2	26437	81	5242	16	32802
Vocational Education	119	3	3331	83	561	14	4015
Suspensions	51	6	683	75	169	18	914
ESL Enrollment	0	0	0	0	67	97	69
Special Education	85	3	2467	78	584	18	3157
EMR/EMH	9	5	143	74	42	22	194
LACKLAND:							
Enrollment	122	15	587	74	55	7	796
Vocational ducation	1	50	1	50	0	0	2
Suspensions	2	15	11	85	0	0	0
ESL Enrollment	0	0	0	0	0	0	0
Special Education	16	21	56	75	2	3	75
EMR/EMH	0	0	1	100	0	0	1

ALAMO HEIGHTS:

Enrollment	51	1	3056	76	865	21	4027
Vocational Education	5	2	127	56	95	42	228
Suspensions	3	2	87	67	40	31	130
ESL Enrollment	0	0	0	0	7	35	20
Special Education	7	1	286	57	208	41	502
EMR/EMH	0	0	7	64	4	36	11

FORT SAM HOUSTON:

Enrollment	229	15	1118	72	170	11	1558
Vocational Education	4	15	19	73	3	12	26
Suspensions	3	8	32	84	3	8	38
ESL Enrollment	0	0	0	0	0	0	0
Special Education	23	16	107	73	15	10	147
EMR/EMH	1	14	5	71	1	14	7

NORTHSIDE:

Enrollment	1417	5	18978	63	9470	31	30154
Vocational Education	126	6	1531	68	567	25	2238
Suspensions	100	9	668	60	340	31	1110
ESL Enrollment	0	0	2	0	574	99	578
Special Education	137	4	1647	54	1255	41	3072
EMR/EMH	10	8	53	42	63	50	126

EAST CENTRAL:

Enrollment	262	6	2820	69	1013	25	4102
Vocational Education	56	6	738	77	165	17	961
Suspensions	11	11	62	61	27	26	102
ESL Enrollment	0	0	0	0	0	0	0
Special Education	23	16	107	73	15	10	147
EMR/EMH	1	14	5	71	1	14	7

SOUTHWEST:

Enrollment	251	6	2058	46	2135	48	4484
Vocational Education	27	4	315	49	301	47	644
Suspensions	9	5	74	43	88	51	173
ESL Enrollment	0	0	0	0	0	0	0
Special Education	22	4	243	47	253	49	518
EMR/EMH	1	3	14	37	23	61	38

SOURCE: *Directory of Elementary and Secondary School Districts and Schools in Selected School Districts: School Year 1976-1977* Volume I of II. U.S. Dept. of HEW/Office for Civil Rights

APPENDIX D
CAMPUSES WITH 66 PERCENT OR MORE MINORITY STUDENTS

(1) Abilene
(2) Agua Dulce
(3) Aldine
(4) Alice
(5) Amarillo
(6) Amherst
(7) Anthony
(8) Asherton
(9) Austin
(10) Austwell-Tivoli
(11) Balmorhea
(12) Beaumont
(13) Beeville
(14) Ben Bolt-Palito Blanco
(15) Benavides
(16) Big Spring
(17) Bishop
(18) Bloomburg
(19) Bloomington
(20) Brackett
(21) Brazosport
(22) Brooks
(23) Brownfield
(24) Brownsville
(25) Burkeville
(26) Calvert
(27) Canutillo
(28) Carrizo Springs
(29) Carta Valley
(30) Charlotte
(31) Chilton
(32) Corpus Christi
(33) Corsicana
(34) Cotton Center
(35) Cotulla
(36) Crockett
(37) Crystal City
(38) Culberson County
(39) Dallas
(40) Diley
(41) Donna
(42) Driscoll
(43) Dumas
(44) Eagle Pass
(45) Ector County
(46) Edcouch-Elsa
(47) Edgewood
(48) Edinburg
(49) El Paso
(50) Excelisior
(51) Fabens
(52) Fabens
(53) Floresville
(54) Fort Worth
(55) Fort Hancock
(56) Fort Stockton
(57) Freer
(58) Galveston
(59) Garland
(60) Gregory-Portland
(61) Hale Center
(62) Harlandale
(63) Harlingen
(64) Hart
(65) Hays
(66) Hearne
(67) Hidalgo
(68) Hondo
(69) Houston
(70) Jim Hogg County
(71) Juno
(72) Karnack
(73) Karnes City
(74) Kendleton
(75) Kenedy
(76) Kenedy County Wide
(77) Kerrville
(78) Kingsville
(79) Kress
(80) La Feria
(81) La Joya
(82) La Pryor
(83) Lake view
(84) La Villa
(85) Lamar
(86) Laneville
(87) Laredo
(88) Lasara
(89) Laureles
(90) Lockhart

CAMPUSES WITH 66 PERCENT OR MORE MINORITY STUDENTS (Cont.)

(91) Loraine
(92) Los Fresnos
(93) Loving
(94) Lubbock
(95) Lyford
(96) Marathon
(97) Marfa
(98) Marlin
(99) Marshall
(100) Mathis
(101) McAllen
(102) McFaddin
(103) Meadow
(104) Mercedes
(105) Midland
(106) Mirando City
(107) Mission
(108) Monte Alto
(109) Morton
(110) Mumford
(111) Nacogdoches
(112) New Home
(113) North Forest
(114) Northside
(115) Oakwood
(116) Odem
(117) O'Donnell
(118) Pawnee
(119) Pearsall
(120) Pecos-Barstow-Toyah
(121) Petersburgh
(122) Pharr-San Juan-Alamo
(123) Point Isabel
(124) Poteet
(125) Prairie Lea
(126) Premont
(127) Presidio
(128) Progreso
(129) Port Arthur
(130) Provident City
(131) Ralls
(132) Ramirez
(133) Raymondville
(134) Rice
(135) Rio Grande City
(136) Rio Hondo
(137) Robstown
(138) Rocksprings
(139) Roma
(140) Royal
(141) Runge
(142) Sabinal
(143) San Angleo
(144) San Antonio
(145) San Benito
(146) San Diego
(147) San Elizario
(148) San Felipe-Del Rio
(149) San Isidro
(150) San Marcos
(151) San Perlita
(152) Santa Cruz
(153) Santa Gertrudis
(154) Santa Maria
(155) Santa Rosa
(156) Seguin
(157) Sharyland
(158) Sinton
(159) Smiley
(160) Snook
(161) Snyder
(162) Socorro
(163) South Park
(164) S. San Antonio
(165) South Texas
(166) Southland
(167) Southside
(168) Southwest
(169) Taft
(170) Taylor
(171) Temple
(172) Texarkana
(173) Texas City
(174) Tornillo
(175) Tuloso-Midway
(176) Tyler
(177) Union
(178) United
(179) Uvalde
(180) Valentine
(181) Valley View
(182) Victoria
(183) Waco
(184) Waelder

CAMPUSES WITH 66 PERCENT OR MORE MINORITY STUDENTS (Cont.)

(185) Webb
(186) Weslaco
(187) West
(188) Wharton
(189) Wichita Falls
(190) Wilmer-Hutchins
(191) Wilson
(192) Wingate
(193) Ysleta
(194) Zapata

SOURCE: Texas Education Agency

ELEMENTS IN LEGISLATION WHICH RESTRICT OR ENHANCE EFFECTIVE MANAGEMENT OF TITLE I AND MIGRANT EDUCATION PROGRAMS

By Don Harvey
Title I Director
Albuquerque Public Schools

1. Children specified by the Elementary and Secondary Education Act and amendments to receive services from Title I of that act, benefit from effective management.

2. Effective management is enhanced if legal restraints and parameters provide either: 1) clear out directives which are not subject to interpretation, or 2) latitude to make judgements at program level, which are not subject to differing legal interpretations.

3. ESEA legislation has moved toward "strict" requirements in the Educational Amendments of 1978 (PL95-561). Congress made an attempt to eliminate regulatory actions of USOE, which sometimes were not within the intent of Congress.

4. PL95-561, however, still has numerious areas subject to judgements.

5. PL95-561

   a) Sec. 101 includes regular Title I and special educational needs of "certain migrants, Indian children, handicapped, neglected, and delinquent children".

   b) Special incentive grants in Sec. 116 require a state to have a compensatory education program.

   c) Sec. 117 requires basic skills programs for concentration grants.

   d) Sec. 122 permits alternative ranking systems which look at educational deprivation, but limit the number of schools.

   e) Sec. 123 specifies exceptions for selecting students other than those "in greatest need of special assistance".

   f) Sec. 124(d) uses such words as "sufficient" size scope and quality, and "reasonable promise" of "substantial" progress. Both sufficient and reasonable area easily defined??? Likewise in Sec. 124, allocation of resources is to be made on basis of number and needs of children to be served.

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g) Public hearings regarding proposed law (PL95-561) did produce change. Note that in Sec 124(i), teachers and school board members are to be involved in planning and evaluation, whereas former legislation was limited to Parent Advisory Council input. In Sec. 125, on Parent Advisory Councils, teachers may be elected to the councils. Sec. 134 permits non Title I non instructional duty with restrictions.

h) The magic of numbers if baffling. e.g. A school with at least 75 participants must have a council of not less than 8 members. If they have 40 or less participants, and one or less FTE Title I staff, no council is required. (SEC. 125 (a) (z) (c)). Likewise, in programs for children in private schools, the criteria for equal treatment is that "Expenditures for educational services.... shall equal expenditures for children in public school" (on a per educationally deprived child basis) regardless of teacher experience, etc. (SEC. 130 (a)).

Items listed above show that in spite of efforts of Congress to make the law more specific, inequities can still exist due to subjective judgements.

Of interest to this conference would be the awareness that public hearings have produced changes in the legislation.

IDENTIFICATION OF TITLE I AND MIGRANT STUDENTS

By Robert Vigil
Program Planner-Northern New Mexico Community College
in Espanola, New Mexico

Taking into consideration that the 10th Amendment to our Constitution delegates the responsibility of education to the states, and fully realizing that all states differ not only in their approach towards meeting the educational needs of their residents, but in their financial capabilities to support educational activities, our Federal Government has continuously made attempts to come to the rescue.

The rescue mission for those elementary and secondary students identified as educationally deprived has come by way of an Act known as the Elementary and Secondary Education Act; More recently titled the Education Amendment of 1978. The Act is very specific as to who is to be served:

> "Except as provided in subsections (b) (c) and (d) of this section and section 133, a local educational agency must use funds received under this title for educationally deprived children, identified in accordance with section 124 (b) as having the greatest need for special assistances, in school attendance areas or schools satisfying the requirements of section 122"

Please do not be alarmed if the verbiage sounds confusing. Provisions are always made to clarify provisions of every Act....We call them Regulations. In this instance the regulations read as follows:

> "An LEA selects the children to be served by (a) applying the criterion or criteria by which educationally deprived children will be identified to receive Title I services according to the provisions of Title I dealing with children to be served (section 123) and the assessment of educational needs (section 124 (b); and (2). Determining the number, needs and characteristics of the educationally deprived children in each area or school designated for a project."

What the Act and the Regulations are saying is:

> "Local Educational Agencies....identify and extend supplemental services to students with the greatest need in the basic-instructional area through a well planned program."

I do not care to take away the power of reasoning or minimize the concerns of the authors of the Act or Regulations; However, those of us who are charged with the responsibility of dissemination of information, find ourselves playing a game of interpretation and more apt to find loop-holes.

RECOMMENDATION

I suggest that rules and regulations applicable to the identification of Title I and Migrant children be streamed-lined and that such a task involve sufficient local input from the community to be served. Certainly our hispanic community and other minorities who comprise a majority of those entitled to services under provisions of this act, should be involved in their destiny.

Appropriations for Title I services are based on the number of children from low-income families but does not necessarily mean they are eligible for services. Educational deprivation and the extent to need determines participants in a Title I program. I would be apt to recommend that appropriation be based on the number of educationally deprived children, however, it would be difficult to develop a measuring instrument acceptable nationally. I would suggest, however, that the Commissioner of Education and/or Secretary of HEW, who determines the method by which poverty level are classified, rely on accurate counts to determine allocation of funds under this Act.

Note: Indications are that the compiliation of the 1970 decennial census is the criteria most commonly used; yet, there are indications that the Bureau of Census might have been in error when accounting Hispano population. This in effect has a direct bearing on the level of funding for Hispano communities.

RECOMMENDATION

That in conducting the decennial census (1980), utmost consideration be given to the implications the results may have on community programs; Also, that Hispanos be involved in retrieving information within their community.

The Migrant Education Program was intended to extend supplemental services to children whose parents migrate from one school district to another, or to another state, in persuit of employment in agricultural activities and determined to have an effect on the learning process of the child(s); thus, causing the child(s) to become educationally deprived and entitled to services. Although a great deal has been done for migratory child-

ren, again, regulations which have been inconsistent and vague have served as obstacles of progress. Example:

A. For what period of time should the family have migrated to be eligible???

B. Does the family necessarily have to work for another person???
Could it be self-employment.

C. Would distribution of agricultural goods be considered a migratory activity????

D. Is pinion picking an agricultural related activity????

RECOMMENDATIONS

Strongly recommend that states be allowed flexibility to make interpretations rather than relying on top level interpretors and/or obtain sufficient input from the local community being served.

RECOMMENDATIONS

"LEGISLATIVE AND JUDICIAL ISSUES AFFECTING
THE EDUCATION OF HISPANICS"

Moderator: Samuel Saenz
Recorder: Reeve Love

In the area of comparability and fiscal regulations, some of the concerns that surfaced included differing State interpretations of Federal guidelines, lack of consistency in program funding, the problem of needed programs not following children as campuses are requalified, and the difficulty of applying comparability criteria in the case of migrant children who may not even be receiving services at all.

Recommendations made in this area:

(1) That regulations be written in very specific terms, avoiding glowing generalities and stating concrete requirements and reasurable criteria.

(2) That regulations be sensitive to, and reflect, situations where differing realities may require differences in implementation -- for example, parent committees for short-term migrant programs may not be able to meet throughout the year at the program implementation site because the people involved have returned to their homes in another part of the country.

(3) That regulations continue to provide flexibility in desegregation cases, as is, for example, the case with Title I regulations, which provide for continuing the program for a year after a child has changed schools as the result of a desegregation plan.

(4) That the critical importance of coordination at the district level be recognized, because this is where all the various resources available are brought together to comprise a total program.

With regard to the extent to which school desegregation has addressed the needs of Hispanics, the three major areas addressed were the role of Hispanics in desegreation court cases, which has traditionally been that of intervenors rather than plaintiffs, (2) the physical segregation of Hispanics within school districts as a result of restrictive deed and the provisions _____ of building new schools within Federal housing project areas; and (3) the relationship of the Lau decision and the needs of language minority students to desegregation and student reassignment.

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RECOMMENDATIONS

(1) That Hispanics move beyond the issue of bilingual education in looking at the implications of desegregation for rational origin minorities, and that student assignment be viewed as an area of particular significance.

(2) That Hispanics seek additional Federal resources available to meet the needs of language minority students; specifically, that they press for including language response programs in ESAA and compensatory education programs, that they become aware that bilingual/bicultural components can be included in ESAA basic grants and that they urge the Office of Education to include a mechanism for insuring Title VI, Title IX, and Section 504 compliance in all funding applications, as it now does for ESAA.

(3) That Hispanics unite rationally in a coordinated effort to provide equal educational opportunity; that they take steps to impact upon the new Department of Education being organized at this time to ensure that the needs of national origin minority children will be met.

In responding to this area of concern, Dr. Shirley McCune stated that the goals of her office included working toward a more "multiethnic" desegregation, which concerned itself more with the letter and spirit of Title VI than with physical desegregation, and that she hoped to see changes in ESAA programs more available and more responsive to the Hispanic community.

Dr. McCune made several additional recommendations:

(1) That Title IV programs assume more compliance functions, concern themselves with the reform of educational policies, practices, management, and methodologies, and come to a more sophisticated understanding of the function of schools in "sorting" students through their vocational and career offerings.

(2) That educators become more knowledgeable about the relationships between housing, employment, welfare programs, and school desegregation.

(3) That there be much more communication between all advocacy groups.

In the area of legislation which impinges on the management of Title I and Migrant Edcuation programs, concerns which surfaced were the areas of PL 95-561 which are still subject to

judgment and interpretation, the fuzzy language is the law, such as "reasonable promise of substantial progress," and the apparently arbitrary determination of certain numberical criteria.

RECOMMENDATIONS IN THIS AREA ARE:

(1) That legal restraints and parameters provide either (1) clear-cut directives which are not subject to interpretation, or (2) the latitude to make judgments at program level which are not subject to differing legal interpretations.

(2) Again, that legislation and regulations be freed from fuzzy language "wiggle words."

(3) That we be aware that public hearings do produce changes in legislation, that we inform ourselves concerning proposed legislation, and that we make input to these hearings, because we can and do make a difference.

With regard to identification of Title I and migrant students, the areas of concern addressed included the difficulty of identifying those children with the greatest need for special services and in consistencies and vaguenesses in the regulations governing the administration of the migrant education program.

RECOMMENDATIONS WERE AS FOLLOWS:

(1) That rules and regulations concerning the identification of Title I and migrant children be streamlined, and that this revision be based on adequate input form the communities to be served and specifically, for the Hispanic community.

(2) That the Commissioner of Education and the Secretary of HEW should relay on accurate counts to determine allocation of Title I funds; specifically, that the 1970 decennial census, the criteria now most commonly used, may have been in error in its Hispanic population count, and that the 1980 census should take into account the implications that the results may have on community programs and should involve Hispanics in the retrieving of census information within their communities.

(3) That states be allowed flexibility in making interpretations of regulations for the Migrant Education program, rather than relying entirely on top-level interpretation, and that in making these interpretations they obtain adequate input from the local communities being served.

FRIDAY FEBRUARY 15, 1980

ELEMENTARY & SECONDARY EDUCATION SESSION

2:30 P.M. - 5:00 P.M. CONCURRENT SESSION B. RIVER ROOM

IMPLEMENTATION AND ENFORCEMENT ISSUES AFFECTING THE EDUCATION OF HISPANICS

MODERATOR: Juan M. Flores

PRESENTOR: Victoria Bergin

Program Comparability: Do "Extra" Programs Insure Comparability?

PRESENTOR: Rubén Saenz

Parents, Partners in Learning

PRESENTOR: Eva S. Martínez

How Reliable is Educational Evaluation? Or Who is Evaluating the Evaluator?

PRESENTOR: Madolyn Reed

Competency Testing and Instruction

PANEL MEMBERS: Ed Kelson
Frank Contreras
Leo Sauceda
Jaime Arrendondo
Ray Rivera
Jesús García

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PROGRAM COMPARABILITY: DO "EXTRA" PROGRAMS INSURE COMPARABILITY?

By Victoria Bergin
Assistant Superintendent for Basic Skills
in Houston, Texas

Millions of externally funded dollars have been poured into schools in an effort to raise achievement scores and provide compensatory programs for minority students who otherwise would have been denied equal educational opportunities. The return on these dollars, in terms of student achievement gains, has not been proportional to the investment. Why? Several reasons have been advanced: institutional racism--incompetent and/or apathetic educators--lack of any real motivation on the part of school districts to do anything for non-achieving minoirty students. If it is necessary to pinpoint blame, the finger usually points to mismanagement on the part of the LEA.

Yet, there are many dedicated, concerned, competent educators who believe that their children can be helped, who believe in the program they are implementing, who are part of a competent instructional staff, and who still, in spite of strenuous efforts, are not getting the right mileage out of their federal dollars.

I am suggesting that, in fact, the problem may rest in the very nature of federal programs and the conflicting guidelines and priorities which, rather than encouraging efficient instructional practices for increasing student achievement, have promoted waste, sloppy instructional planning, and the birth of an ever increasing new bureaucracy.

I would like to present for your consideration four main concerns which in discussion with principals, teachers, and federal program administrators have surfaced over and over again as impediments to the effective implementation of instructional programs.

1. Time Constraints - According to the RAND Study, one of the most important factors for predicting whether or not a new program would be successful had to do with lead-in time; i.e., whether or not the idea had time to become digested and accepted at a grass roots level, and, once begun, whether it had time to change and adapt to the reality of the school setting. Yet, school districts have for years been critical of the stringent and often impossible time lines which were necessary in order to apply for federal funds. In spite of this universal criticim, time lines both for developing proposals and implementing federal programs

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continue to work against reflective planning. As a result, too often what works for funding one time is quickly rewritten in hopes that it will be funded the second time.

2. Pull-out Programs - Again, related to time constraints and also due to the nature of school systems which admittedly do not respond quickly to change, it is frequently easier to funnel external funds into "pull out" type programs. That is, the regular instructional programs remain the same, while targeted students receive supplementary instruction through the services of the center approach. The student is "pulled-out" of the regular classroom to receive specialized instruction in a math, reading, or bilingual center. However, if such instruction is not carefully coordinated with what is happening in the regular classroom, it may, in fact, work to the detri ment of the student. Think of it! The very students who need support most are being asked to respond to two or three different programs (usually representing different materials as well as a different sequence of objectives). Who then is accountable for the student's achievement?--the classroom teacher? --The resource teacher? In light of the multiple needs in any given classroom of resource center, it is unlikely that enough time can be allocated during the day to ensure adequate collaborative planning between the classroom teacher and the different resource teachers who are pulling students out of class.

3. Teacher Shortages - One of the most frequent criticisms related to federal programs has to do with the resulting teacher drain. There is, on a national level, an extreme shortage of math, science, bilingual, and special education teachers. Yet, implementation of new programs frequently has the effect of creating a myriad of support positions (in these very critical areas) that draft teachers out of the classroom. Program administrators, evaluators, specialists, coordinators, etc., all come from the rank of classroom teachers.

   Another teacher drain is the result of well-intentioned, certainly needed, capacity building programs, which once again, rob the classroom of its greatest resource: the teacher. For example, in spite of the universally acknowledged shortage of bilingual classroom teachers, universities seek funding for bilingual advanced degree programs. Do federal funding priorities encourage this? I am not here to pronounce judge-

ment on the efficacy of these programs. Certainly they have long-range potential for contributing a valuable service to schools, if for no other reason than the fact that they recruit the most capable teachers. Nevertheless, we must face all question, whether the priorities of federal dollars rest on building career ladders for minority groups or on meeting the instructional needs of the students in the classroom.

4. Vendors - Again related to limited time lines and teacher shortages, it has unfortunately been too easy for school districts to contract out their responsibilities to program vendors who offer a total package approach for easy funding. Again, I have no wish to critize the pedagogical rationale behind any particular systems approach. I merely caution that as educators we must be ever conscious of our responsibility for the individual needs of our students. The automatic contracting out of this responsibility to a program that promises an answer to all these needs is questionable if it results in a school's relinguishing responsibility for the educational progress of its students.

RECOMMENDATIONS:

1. Flexible and/or staggered time lines which would encourage collaborative planning within the school setting, and time for a "dry-run" of the program in its adaptive stages.

2. Encouragement of programs which focus on support of/extension of/adaptation of regular school programs, rather than on the creation of an "add-on" instructional program.

3. Redirection of capacity building and/or technical assistance programs to provide classroom support for students.

PARENTS, PARTNERS IN LEARNING

Presentation of Rubén Saenz
Migrant Education Project
The National Council
of La Raza

Good afternoon. My name is Rubén Saenz, and I am working with the National Council of La Raza's Migrant Education Project. I am organizing and providing technical assistance to migrant parent advisory councils in the state of Texas.

The theme of this session is "Implementation and Enforcement Issues Affecting the Education of Hispanics." The migrant program can best be monitored and enforced through knowledgeable and agressive migrant Parent Advisory Councils.

Unfortunately, it is my feeling that right now parent involvement in the migrant program is set up to fail. There is much resistance to it on the part of local directors and project administrators. Little money is made available to migrant parents so that they can participate. Meaningful participation by parents usually means that they lose work and incur travel and babysitting costs. Unless these costs are covered by the migrant education program, migrant parents cannot afford to participate in that program.

Migrant parents are reluctant to get involved in something they know nothing about, and the state and local education agencies have not trained and educated them regarding migrant education programs.

Recently I was in a Texas community attempting to find migrant parents to sit on a parent advisory council. No parent present at the meeting would volunteer or accept a nomination. The parents said they did not know anything about the migrant education program, and that they didn't want to get involved. Only when I promised to give them assistance and training did they agree to participate. Unfortunately, this is not being done in every community in the state.

Parents will not participate in an organization that can do nothing, or that makes no difference. In some migrant programs parents are not permitted to speak or to ask questions at parent advisory council meetings, or to discuss important issues affecting the education of their children. Too often PAC meetings are cookies and Kool Aid affairs where only bake sales are discussed.

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Migrant parents will not attend meetings of organizations where they can't understand the language being used to conduct business. Recently, I was to speak at a parent meeting in a Texas community. When the meeting began, the man in charge said that for those parents who didn't speak English, there were earphones available and a translator would interpret what was being said. But, when I got up to speak, I said that I would speak in Spanish, and that for those who did not understand it, there were earphones available and the translator would interpret for them. This caused some small problems. I was asked why I wanted to speak in Spanish. I explained that I could express myself better in Spanish, and that the migrant parents would understand me better as well.

I was then told that the interpreter would have to be changed, and I still can't figure out why. After I began to speak, about sixty (60) Anglo parents angrily left the meeting. This shows that parents will not stay when they don't understand what's going on, and that they probably will not return to another meeting.

This is what happens with migrant parents when all meetings and proceedings are conducted in English. Migrant Education Program administrators run these meetings in English and then wonder why migrant parents don't attend.

Effective parent involvement is not easily accomplished. It requires hard work over a long period of time.

My invitation letter to this conference asked for viable alternatives to these problems. Here they are:

(1) The federal, state and local migrant programs must make a strong commitment to effective parent involvement. They must eliminate the resistance to parent involvement by administrators. They can do this by stressing and encouraging parent involvement in their programs through technical assistance and training institutes.

2. Parent involvement must be funded. State and local programs must underwrite parents' travel costs, babysitting costs, and lost wages and other expenses, such as travel to conferences and workshops.

(3) Parents should be trained thoroughly; they should be informed about the program. This must be done in Spanish where there are migrant parents who understand only Spanish. This training should include the legal rights of parents granted to them by the statute, regulations, and the state plan. It should include bud-

get analysis, curriculum selection, testing and many other subjects crucial to the quality education of migrant children.

(4) Migrant program administrators must give parent advisory councils a meaningful role to play. Parents should be involved in hiring teachers and other staff. They should be able to help choose evaluation procedures and testing methods. They should decide the role of community aides. Community aides are now used by the schools as "gophers," and they should be used to organize and support migrant parent advisory councils.

(5) Uniform standards for choosing PACs should be provided by H.E.W., or the state and these should adhere to democratic selection procedures.

(6) Parent meetings should be conducted in language that is most commonly used in the homes of the migrant parents. Important program documents should be translated into Spanish so that parents can read them.

(7) Finally, we must all have patience. We must realize that true migrant parent involvement takes a long time, but that it is the only way to effectively implement and enforce the migrant education program. It is the only way to truly assure that migrant children will learn and will graduate.

Thank you for your attention.

HOW RELIABLE IS EDUCATIONAL EVALUATION OR WHO IS EVALUATING THE EVALUATOR?

By Eva S. Martínez
Assistant Principal at Marsh Middle School
in Dallas, Texas

There is no doubt that schools are failing the majority of our Hispanic students. Testing efforts have not met the needs of Hispanic students either academically or by measuring abilities. It is apparent that although the problems are being recognized by school districts, that is the only thing being recognized and that is the problem. So, nothing is being done fast enough to correct this situation.

This is definitely an obvious case of institutional racism. Now, they are giving token lip service by saying that there are concerns with testing Hispanic students because of their language deficiencies, tests are not culturally fair, and they do not know how to determine language proficiency.

The language concern is extremely important because students who are not proficient in English need nonEnglish instruments to assess their abilities. There are also always problems of reliability and validity connected with these instruments because it is hard to evaluate concept development.

Another concern that needs to be delt with is dealing with culture bias on tests. Obviously it needs to be avoided. In cross cultural testing, instruments insure that no items discriminate against anyone because of cultural upbringing. This is difficult because there is really no such thing as a culture free test. Our own personal individual experiences determine this situation. We cannot divorce a person from his culture.

In order to accomodate the differences, test developers need to be aware that tests will have to function in a pluralistic setting and tests must be as culturally fair as possible. So the key is to strive for cultural fairness.

An important issue related to the high dropout rate of Hispanics which is directly connected to testing, is the question of curriculum. The curriculum has to correlate with the testing instruments. You must teach what you are going to test. The objectives spelled out in a test must be incorporated into the curriculum. Teachers spend hours teaching students skills that will not be measured on a standardized test. Either the tests have to be changed to fit the curriculum or the curriculum has to be changed to fit the test.

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Oftentimes, personnel directing bilingual programs do not understand test development techniques and the effects and results of using standardized tests in English in evaluating Hispanic students. They know that the results are not valid because when observing children in learning activities, it is obvious that they are learning although tests do not indicate this. However, they cannot pinpoint why or where an instrument is invalid, only that it is.

Another problem situation that we are faced with is that government agencies are evaluating bilingual programs without anyone in the program being aware that this is going to be taking place until it hits them in the face. Who is keeping up with what federal agencies are doing in relation to everything that affects bilingual programs?

Also, state agencies are developing tests to determine the achievement of students which will include all Hispanics. Have studies been done to see what impact it will have on Mexican American students? Who is keeping up with what state agencies are doing which will affect bilingual students? Bilingual personnel, more often than not, are not included in the planning and developments of these instruments. These tests are also dumped on the laps of school districts one month before implementation without giving any forewarning that this is coming up. Who is working with the state agencies to give input on the needs of our Hispanic student?

Before recommendations can be made, we must understand the purpose of testing and then in understanding the purpose of testing, we can understand the impact it has on bilingual programs and our hispanic child.

First, one purpose of evaluation is to provide information to decision makers and program developers as to where to change programs or to see if programs are being implemented optimally the way they were designed and to provide accountability to the school board. Since evaluation results are always negative in testing Hispanics, it is obvious what is happening to our programs geared to helping Hispanic children.

Secondly, test results are for the building principal's use in designing the curriculum for his school geared around the needs of this student body. If so, why are the drop out percentage rates of the Chicanos still at 50% or above? Obviously, when it comes to Hispanics, this theory has bombed out.

A third purpose for testing is to use test scores to inform the general public as to the achievement of students in a school district. The problem is that the negative image of the Hispanic

continues to be perpetuated because achievement scores of the Hispanic are always below the norm. Corrective measures for this situation have to be taken. This type of public information has a devasting effect on our students.

Many changes need to be made concerning evaluation of Hispanics. Here are but three recommendations of the most prevalent needs which among them is the necessity to use some Anglo manipulative persuasive power.

First and foremost, the results of testing should give us plenty of ground to demand intensive help for our Hispanic student. A strong oral English language development and instructional program is needed at all levels of public education from K-12. Studies and evaluation results continually point out that the less proficient in English, the lower the scores.

Secondly, bilingual educational programs need to work very closely with measurement specialists to attack the question of reliability and validity of all tests administered to bilingual children and the effects of administering these tests.

Thirdly, national testing companies ought to be mandated to look into the production of Spanish versions of those tests and to conduct norming studies on those tests to attempt to determine relative scores of English vs. Spanish speaking students. We need to be able to determine concept development of the Hispanic student and be able to check his progress. In the nation today, if a child is limited in English speaking, there are few ways to monitor their progress and skill abilities.

COMPETENCY TESTING AND INSTRUCTION

By Madolyn Reed
From the Houston ISD
in Houston, Texas

At the height of the educational accountability movement is a trend toward competency testing for students. Parents of students, who have spent twelve to thirteen years in our schools are taking their cases to court in increasing numbers. Cases which allege that students have not adequately been prepared to meet the challenge of the world upon graduation. Such allegations have caused institutions to look at themselves, define their goals, and to keep track of student achievement.

This testing trend raises the following questions:

1. Are the objectives over which the student is tested predefined?

   While tests are limited to assessment of cognitive abilities and knowledge; they do provide feedback to school districts as one indicator of the effectiveness of the instructional delivery system as it relates to district goals and program objectives. This sword is, however, double-edged in that it can not only provide information concerning learning but may also provide information concerning whether or not the teaching is taking place. It is unfair to test students over undefined content or over content determined by the test writer and have little or no relationship to what is being taught.

   Recommendation: Provide legislation aimed at requiring educational agencies and institutions who utilize tests for assessment or certification for competency to specify and publish outcomes for which students will be held accountable.

2. Do the tests test what they claim to test?

   The question of test bias has always posed by critics of standardized testing of educational achievement. These people feel that because certain groups of students tend to perform less favorably on a test, the test is biased against cultural minorities and poor readers. This argument may be warranted in intelligence testing where environmental factors affect test performance but is not necessarily true in achievement testing where instructional programs provide adequate

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environment for learning. To hold this belief is to assert that any test is biased against any one who does poorly on it. Under certain circumstances some subgroups of minorities do very well on these tests.

Recommendation: A determination of what constitutes bias in achievement testing needs to be made.

3. What curricular changes will be made based on the outcome of the testing program?

Assume that the district has specified its goals and objectives and that the test has passed the screening for bias. Students have been tested and the results are compiled. Now the district must concentrate on what needs to be done to improve the results. Too often too little thought is given to program analysis. Some programs perpetuate the intellectual inferiority myth and reward lack of achievement. The greater the lack of achievement the more funds are allocated annually.

Recommentation: Set a baseline formula for funding for remedial programs in the first year of testing. Then penalize lack of achievement and reward growth and maintenance of achievement in future years.

FRIDAY FEBRUARY 15, 1980

ELEMENTARY & SECONDARY EDUCATION SESSIONS

2:30 P.M. - 5:00 P.M. CONCURRENT SESSION C. HEMISFAIR ROOM

WHO CAN BE HELD ACCOUNTABLE FOR THE EDUCATION OF HISPANICS,

MODERATOR: Gustavo García

PRESENTOR: State Representative, Irma Rangel

Accountability of the Legislators to the Needs of the Mexican American Students.

PRESENTOR: Oscar Cárdenas*

How Accountable is the Department of Health, Education and Welfare,

PRESENTOR: Rosalie Martínez

How Accountable are State Education Agencies?

PRESENTOR: Rubén Gallegos

Accountability with Superintendents

PRESENTOR: Auturo Medina

The Education of the Hispanics"
Who can be held responsible for the Education of Hispanics, How accountable are local Education Agencies,

PRESENTOR: Frank Longoria

Accountability with Professional Organizations

PANEL MEMBERS: Robert Villarreal
Joseph Bertolio
Abbie Muñiz
John Rodríguez
State Sen. Ray Leger
Severo Gómez

*Outline Only

ACCOUNTABILITY OF THE LEGISLATORS
TO THE NEEDS OF THE MEXICAN AMERICAN STUDENTS

By State Representative Irma Rangel
State of Texas

I have been asked to address the issue of the accountability of elected officials to the needs of the Mexican-American student. Since my first-hand knowledge is limited to the actions of the Texas Legislature, I will restrict my comments to the issue of the accountability of the Texas Legislature to these specific needs.

Has there been accountability by our state legislature? Have they been active in pursuing solutions to the problems which plague our children? Before one is able to come up with an answer to these questions, one must pose yet another question. That is: Are our elected officials aware of the problems that exist for the Mexican American child? Are they sufficiently apprised of the existing situation? I think they are. And, if they are not, they should be. I think that in the past there may have been a viable excuse for not being aware of the needs of the Mexican American children---that is, the special needs of the Mexican Americans were not considered important, let alone studied and analyzed. However, there is no longer any excuse for any official who serves Texas or the Southwestern United States for not knowing the special needs and problems of minority children. There have recently been studies conducted, Supreme Court decisions handed down, federal mandates ordering compliance, and there exist numerous independent sources of information, all of which call attention to these problems and the needs for state action and reform. Any concientious elected official or hopeful candidate whose district contains a Mexican American population, should, after careful scrutiny of his district, be able to recognize the varied needs of his constituents. Whether these officials choose to act upon these matters is another issue entirely. Suffice it to say that it is their responsibility and duty to serve all their constituents in the most advantegeous way possible---this includes, surprisingly enough to many members, the Mexican American population.

I have made reference to the "special needs" and "special problems" which face Mexican American students. What are these? What is that legislators and elected officials should be finely attuned to and committed to resolving? All of us here are well aware of the problems within our school systems with regard to Mexican American children---those problems which range from disparity in school district wealth to segregation, from denial of language and culture to high levels of illiteracy, underachievement and high dropout rates. These and others are all

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areas of concern to the Mexican American community. Due to a constraint in time, I will confine myself to three major areas of concern, how the Texas Legislature has responded in each of these areas, and what yet needs to be accomplished.

PUBLIC SCHOOL FINANCE

I will begin with the gargantuan issue of public school finance. I say "gargantuan" because it is an issue which is wrought with a great many significant implications for Mexican American school children. It is a well established fact that disparity in the wealth distribution of school districts generally affects equality of opportunity in education. Statistics reveal that Mexican American and other minority students are predominantly enrolled in lower-wealth, under-financed school districts. Consequently, the quality of education received by these children considerably lower than that of their Anglo counterparts who reside in the wealthier districts. At the same time, the parents of Mexican American students bear a heavier financial burden than the parents of Anglo children.

Since its inception, the Texas school finance system relied heavily on local property taxes for revenue for its schools. The result? Disparity in both wealth and quality of education -- poorer districts simply could not generate the same revenue that wealthier districts could. Thus, higher taxes had to be raised in order to raise the quality of education. This was, and still is, an easy task for wealthy districts with high property values and lower tax efforts, but not so for poor districts where property is not worth nearly as much and where the tax effort is likely to be as high as it can possibly go.

The burden for financing education has shifted increasingly from the school districts to the state. State aid comes in the form of flat grants and equalization aid. The Texas Legislature, in the past, has made efforts to equalize the disparity found among its school districts and raise the quality of education. Despite the emphasis on equalization aid, the attempts at equalization left much to be desired. The Supreme Court in Rodriguez, although it did not strike down the system as unconstitutional, implied that the system was inequitable and should be remedied by the Legislature Since that opinion was handed down, the Legislature has made attempts to rectify the situation although the Court did not so mandate. State aid to school districts markedly increased. However, disparity in school districts still exists due to the disequalizing effect of enrichment funding by the state.

The Legislature during the past session once again endeavored to "take the bull by the horns" and tackle the problem.

Senate Bill 350, the School Finance Bill, was the result. I think it is safe to say that this bill, in terms of achieving parity with respect to state funding, does a decent job. Equalization aid was increased, compensatory aid was increased along with a change in the eligibility requirements for obtaining this aid. Maintenance and operation funding was also increased, along with transportation funding. Teacher salaries were also increased, though not as much as many had hoped. These changes make it much more feasible for lower wealth school districts to afford specialized services which were before unattainable due to lack of funds.

Although there will still be a disparity among school districts due to the enrichment funds that rich school districts provide, a more equitable distribution of state aid was achieved. All in all, I will venture to say that S.B. 350 was good step towards parity and higher quality education. Of course, the full impact of S.B. 350 remains to be seen.

BILINGUAL/MULTICULTURAL EDUCATION

A second area of concern to the Mexican American community is that of the language and cultural barrier that impedes the learning achievement of the Mexican American child. Because the Mexican American student has a different cultural background than the Anglo child and because he very often speaks Spanish exclusively, it is very difficult for him to succeed in an educational scheme devised to fulfill the needs of Anglo children. This is not, of course, to say that none will succeed, for indeed many have, but the alarming rate of underachievement and drop-out among the Mexican American student population indicates the failings of the system.

State elected officials have a constitutional responsibility to provide education to all students, and children---all children--have the right to an equal educational opportunity. In the words of Dr. Gloria Zamora, "equal treatment does not mean equal opportunity. Bilingual/multicultural education is a way to ensure equal educational opportunity and give children of limited English profficiency a 'Head Start' toward future academic and personal success."

How has the Texas Legislature faired in this respect?

To start with, the 63rd Legislature did enact the Bilingual Education Act of 1973 which mandates Bilingual Education in grades kindergarten to 3rd where twenty or more students of limited English speaking ability have been identified in the same grade level. However, these bilingual education programs, considered by many authorities to be the most beneficial curricular

approach for educating Mexican American children reach a very small percentage of the Mexican American student population. Also, funding for bilingual education is not high enough.

Senate Bill 195 introduced this past session by Senator Truan sought to reach the neglected percentage of the Mexican American student population by expanding it to cover grades kindergarten to 5th and with permissive programs for grades 6 through 12. The bill would have also made some needed improvements in the present act. This bill, however was defeated. It was passed by two-thirds of the Senate and by the House Education Committee, but the bill was held up in the House Committee on Calendars and consequently, not heard by the entire House. Needless to say, the Mexican American Caucus, who worked hard for the passage of the bill, along with many other Texans, were gravely disappointed.

More work and much clarification is needed in the area of bilingual education. Many people fear it; many do not fully understand the concept. It is a proven program which works very well if effectively employed. This task is for the local school districts. Our task at the state level is to ensure that we have a comprehensive enough bill and adequate funds for proper implementation. We still have work ahead of us in this direction.

COMPETENCY TESTING

The last issue I will touch on is a more recent development, but one that has raised an increasing amount of concern. That is the issue of student competency testing.

During the last several years there has been an increase in concern over the quality of education being received by our children. This concern has led to legislative study of the issue, and subsequently, legislation mandating testing for student competency. While a few bills were introduced and killed this past session, S.B. 350, the School Finance Bill, included a provision which mandates testing at grades 5 and 9 in the year 1979-80 and at grades 3, 5 and 9 in the year 1980-81. The results of these tests are to be used for establishing remedial programs for assisting those students who fail to pass the examinations.

While the objective of accountability in education is a desireable one, one must, however, not blindly embrace competency testing as a solution to the accountability question. These competency tests run the risk of wrongly slotting students who test poorly, thereby inhibiting a child's intellectual growth based solely on competency exam. Furthermore, these tests may indicate not much more than cultural, not intellectual, under-

standing; the tests are the product of Anglo educators' efforts, while minority students often perform poorly on the tests.

Our responsibility in this area is to conduct more in depth studies about the nature of the testing concept and to clearly define the use that test results are to put. In our zealousness to enforce accountability in education, we must be careful not to harm the student who is, afterall, the primary object of our concern.

In summary, I believe that the Legislature has improved in its responsiveness to the needs of the Mexican American student. There still needs to be more accomplished, but given the direction we are going, the future does look promising.

Although I believe that it is the responsibility of each and every representative to look after the needs of the Mexican American citizen as those of any other citizen of their respective districts and state, I also believe that if they fail to uphold their responsibility, then that it is up to the Mexican American Caucus to carry the burden. I believe that we did a respectable job this past year. We are becoming a more cohesive group and our growing size has enabled us to form a rather formidable bloc in the House. If things continue to move in the same direction, I predict some meaningful accomplishments for the Caucus, and the Mexican American population in general, in years to come.

HOW ACCOUNTABLE IS THE DEPARTMENT OF HEALTH EDUCATION AND WELFARE?

Outline of Presentation

By Oscar H. Cárdenas
Advocacy Systems for Education
in Austin, Texas

Topic: *How accountable is the Dept. of Health Education and Welfare?

*Note: Will not address Health and Welfare

A. Accountability defined

1. Programmatic (Economic Efficiency and Educational Effectiveness)

2. Service Delivery Processes
HEW - Provider
Hispanic Educator - Facilitator
Hispanic Community - Intended Beneficiary

B. HEW Redefined - Now *D.O.Ed.
*(Cite References - S.210 "Department of Education Organization Act")
1. Mission - "...increase the accountability of Federal Education..."
2. Organizational structure - Attached
3. Funding authorization - $14.2 Billion is proposed

C. Accountability Issues

1. Formula for funding in Title I Regular
(RE: Section III (2) (A) PL95-561) $2.8 Billion

2. Formula for funding grants in Title VII - None -
1/3 of State PPE
Issue: Need to increase Title VII funding to an equitable per pupil entitlement as other Federal Programs such as Title I

3. Federal Regulations
Notice of Proposed Rule Making (NPRM) 45 to 60 days for Public comment.
45 days after closing date - effect of law

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Issue: As Hispanic educators, we need to be totally and constantly involved in the proposing, drafting and advocating for laws and regulations which are designed to enhance the educational Welfare of the total Hispanic Community

4. Employment Practices

1. Past - Last 25 years 1973=1.8% of total work force 0.8% increase, 76=1.3%

2. Present - Actual attendance today

3. Future - "We can't find qualified Hispanics"

Issue: The Hispanic population has been and is grossly underrepresented at all levels in the Dept. of HEW, now D.O. Ed.

Letter from the Secretary of Education refers to this conference as "...Hispanic Education..."

5. Conclusions: ATOLE con El Dedo L/G - accountability does not rest only with HEW, it must also rest on you and me.

DEPARTMENT OF EDUCATION

Organization

Secretary
Under Secretary
Office for Civil Rights, headed by an Assistant Secretary
Office of Elementary and Secondary Education, headed by an Assistant Secretary
Office of Postsecondary Education, headed by an Assistant Secretary
Office of Vocational and Adult Education, headed by an Assistant Secretary
Office of Special Education and Rehabilitative Services, headed by an Assistant Secretary
Office of Educational Research and Improvement, headed by an Assistant Secretary
Office of Education Overseas Dependents, headed by an Administrator
Inspector General

General Counsel
Four additional officers for the following functions:

- .congressional relations
- .public information
- .parental and public participation in programs
- .management and budget
- .planning, evaluation and policy development
- .encouragement and promotion of the study of foreign languages and cultures

Office of Non-Public Education, headed by an Assistant Secretary

Office of Bilingual and Minority Languages Affairs, headed by a Director
Intergovernmental Advisory Council on Education
Federal Interagency Committee on Education

Note:

The Office of Non-Public Education is to be headed by an Assistant Secretary.

President Carter's proposed 1980-81 budget shows zero ($0) for Non-Public Education; the Office of Education and Minority Languages Affairs is to be headed by a Director, with an approximate appropriation of $201 million.

HOW ACCOUNTABLE ARE STATE EDUCATION AGENCIES?

By Rosalie Martínez, Director
Colorado Department of Education
in Denver, Colorado

Accountability at the local level has been described in a variety of ways ranging from a disgusted "nothing more than an extension of the present system" to a glowing "effective accountability will result in higher pupil achievement scores".

Perhaps the key word is effective. Colorado's Accountability Law has been in effect since 1975-76, the same year the state Bilingual-Bicultural Law was enacted. It, too, has experienced a slow development a cut-back in funds to districts to implement the process. The SEA receives administration monies but districts have been required to assume the costs, if any. Districts with bilingual programs are still receiving monies but those have been consistantly cut back and further de-funding appears possible.

Both programs aspire to raise achievement scores and both the Bilingual Unit and the Accountability Unit of the Colorado Department of Education work dilingently with evaluation of programs and student performance.

The assumption set forth by the Colorado Educational Account ability Act reads as follows:

> "When a local district and its citizens set priorities, design and use a plan to improve educational programs, monitor the plan and make appropriate changes, then the quality of its educational programs and pupil performance will be improved resulting in improved public confidence in the schools."

In viewing the accountability process as it is implemented at the LEA level from the vantage point of an SEA observer, it appears that the critical difference in outcomes for minority students lies in the makeup of the "local district and its citizens". The Accountability Committee makeup is crucial to setting priorities that affect all students. If the committee does not reflect the concerns of all its school patrons then it may indeed be "an extension of the present system", and for districts with high minority populations, the present system has not been effective.

In Colorado the SEA Accountability Unit has been incorporated into the Accreditation Unit and is staffed at about the same level as the Bilingual/LAU Unit. They have worked dili-

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gently to use the accreditation requirements to strengthen the accountability system. The staff are dedicated and talented but their efforts are directed primarily to the process whereas this writer's concern is in the makeup of the committees and priorities they establish as they affect the total school population.

As an example, I have chosen to describe one district's accountability development as seen through their reports to the SEA and to describe the accountability process as seen through the eyes of a group of concerned Chicano community people. This district's reports indicate compliance with the law in that they had: 1. an accountability committee established, 2. they had reported to the Board of Education, 3. they had received a charge from the School Board, 4. they had made their recommendations to the School Board, 5. they had set their committee priorities and, 6. they had reported to the public. They had not established building level committees nor supplied information on costs. They were rated by the SEA as being at medium development of goals, needs assessment, student objectives, priorities, program development and use at the building level. They were rated at low development in staff objectives, program evaluation, comparing costs, degree of involvement and extent of reporting. Note the difference between compliance with the law and the evaluation of the degree of development. Most laws set minimal standards of performance. Good education goes beyyond those requirements. Compliance with the law can be done just to the degree that a lawsuit is avoided but effective outcomes are never achieved.

The cummunity group became involved because the one Hispanic member of the Accountability Committee became concerned with the priorities set forth by the committee and their lack of relevance to the actual reality of minority student performance. This member contacted six Hispanic members of the community who were established in the "System" and whose word carried some weight. They compiled a Hispanic student fact sheet taken from information in the latest school year book. The information dealt with the percentages of Hispanic students at the primary, middle and high schools, percentage of Hispanic teachers at each of those levels and the percentage of Hispanics on the honor roll, in the drop-out program, on the sports team, in the clubs pertaining to drama, speech, Spanish, choir, band, etc. The information clearly illustrated some education liabilities. There was a zero percentage Hispanic representation on the straight "A" honor roll and a 58% enrollment in the drop-out program, for example. In the primary school where the bilingual program was implemented, the Hispanic classroom teacher ratio matched the district Hispanic ratio of 37% but at the high school level was only 9%.

It was pointed out that 24 Hispanic students that were on the rolls in their freshman year were no longer there as gradu-

ates and that only one new student had come into the district and graduated. This caused a decline from 29% in their freshman class to an 18% at the exit level.

It was interesting to note that when these concerns were presented to the administrators as a suggestion that they be included in the Accountability Committee's priorities, the superintendent replied that these issues perhaps could not be addressed by the Accountability Committee since the charge given to them by the School Board did not include these concerns. Fortunately the outcomes have been of a positive note. The district and the community group appear to be operating in a genuinely cooperative manner.

However, in a review of the accountability process, this example serves to remind us that a school district may feel itself accountable only to a particular clientele and may proceed to document their effectiveness in this area to the SEA.

Therefore, it is recommended that SEA's give paticular attention to:

1. Guidelines that are very explicit concerning total community representation for the establishment of committees.

2. A greater emphasis to the educational deficiencies found within the school system and proposed solutions. Too many districts see the accountability process as a means of proving their effectiveness rather than as a means of improving their performance. Accreditation is a vehicle for the former and accountability a vehicle for the latter. A banker who is held accountable by his stockholders must guard against poor investments. His successes ultimately depend on how well he cuts his losses. Does the accountability process consider all the district's losses?

3. An equal emphasis on a process-oriented approach and documentation of outcomes as they relate to the resolvement of the failures of the school rather than the touting of its successes. A healthy self-evaluation for the sake of improvement can be viewed positively if treated in a positive public relations climate. Summative evaluation is provided primarily for informational purposes. Formative evaluation is done for the purpose of self improvement. Shouldn't accountability be concerned with the latter?

ACCOUNTABILITY WITH SUPERINTENDENTS

By Dr. Rubén Gallegos
Superintendent of the Edinburg ISD
in Edinburg, Texas

Ladies and Gentlemen:

I am Rubén Gallegos, Superintendent of the Edinburg Consolidated Independent School District. The District covers the major portion of Hidalgo County in South Texas. To be more precise, the district covers 945 square miles and is one of the largest in the country in area. The student population is about 11,000.

Previously, I served as an Assistant Superintendent of the Dallas Independent School District. The District had 160,000 students, therefore being one of the largest districts in the country and the second largest in the State.

Before Dallas, I was an Assistant Superintendent of the Brownsville Independent School District, the largest school district in the Rio Grande Valley of Texas.

I make reference to my administrative experience simply to point out that all my twenty-three (23) years' experience have been in the public schools. Seventeen of the twentythree years are in school administration. Therefore, I will present you what the "Education Book" says about the Superintendent and accountability. Later, I will review what "Hard Knocks" say. Finally, I will conclude with recommendations.

EDUCATION BOOK

The term "superintendent" is gradually taking on a new connotation. Historically, the term brought to mind the image of a person; now it is beginning to symbolize a process. It is becoming a function rather than an individual, a collective noun instead of a title. The new meaning is confirming the prediction that the management of a school system as a one-man operation is rapidly fading, except in the very small school districts, and the very small district is fading, too. The "superintendent" describes the aggregate overseeing and leading of a school system's operations.

The team should be responsible to one single goal: to provide for the best possible education in his community. This means creating the condition in which other people can get things done and above all in which the teacher in the classroom can perform to the best of his ability.

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If accountability is synonymous with responsibility, then the team's job will be more specific and evaluations point to areas of success as well as failures. Then, it will allow to focus upon improving instructional services and management capabilities so that in each and every case, the child stands to gain, and the educational enterprise may thereby say: "The child comes first."

A simplified accountability model might include:

1. To whom - The child first
2. For what - To improve the delivery of educational services
3. How - Through systematic planning with focused responsibility

Therefore, the education product should relate to the goals and objectives met by the school system. The art of human relations with the staff, school board, and the community is of essence. These goals can rarely be based on purely instructional considerations, divorced from the view of the public.

Educational management can be defined as the efficient use oi the time, energy, and money available to a given district. First, the school budget is prepared under the superintendent's supervision. The number and complexity of these decisions are apparent from the fact that the public school system is normally the largest and most expensive of all enterprises of local government. It usually serves more meals than the largest restaurant chain in any community. It has one of the larges systems of transportation. Its construction operations may exceed in scale those of any other local enterprise. Its payroll is larger and more complicated than that of most businesses in the average community.

The delivery system should consist of methods and techniques used in teaching of the skills and competencies designed for excellence, together with the mix of personnel, time, space, materials, and budget required to produce the school product--learning.

Accountability may be the most significant development to exert a positive influence on education in America for the last several decades. It seems that accountability can be the vehicle to: (a) get the attention of the educational family, (b) force schools to do a better job of delivery services, (c) do away with curriculum cases, and (d) expose incompetent administrators and teachers.

The primary mission of a superintendent becomes that of coordinating the technical talents of his assistants toward a common goal. Other duties of the superintendent are executive officer to the board of education, the core of decision-making, stimulation of thought and action, appraisal of the system's progress, resource person for ideas, a model for assistants, a backstop for assistants, and the image for the school system of an educational leader.

Football coaches in our educational society have long understood accountability. During the season, they are accountable every Friday night as soon as the clock runs out and the final score is posted in neon lights for all to see. Likewise, other elements of our educational program may be destined for greater public scrutiny, evaluation, and even accountability.

Today the superintendency is one of the most crucial and perhaps most difficult public positions in American life. The occupant of this position, more than any other single person in the community, influences the shape of public education. Thus, he has a born role in determining what his community and the nation will become.

The superintendency is inherently difficult and complex and is today further complicated by great changes which are sweeping civilization. Among these changes are the growth of knowledge, technological programs, and widespread demand for equal opportunity. The superintendency is in the center of virtually all the current social revolution, shaping them and being shaped by them. The community--the professional staff, the school board, the taxpayers, and the parents--must look at itself. The team should seek a consensus of the board, community, and staff on the goals of the school as a basis for decision on the instructional program.

HARD KNOCKS

Educational leadership should henceforth be regarded as employing community leadership. In his capacity as an educational leader, the superintendent obviously has a considerable impact on the community. When he influences school construction, he influences the physical appearance of the community. When he works on the school budget, the use of community wealth is affected. When he deals with persons and organizations of stature in the community, he affects their thinking--and their impact--on education. Most importantly, when he influences the quality of education, he helps to shape what individuals will become and what the future society will be.

In short, the superintendent--the person--is a teacher, politician, philospher, student of life, public relations counselor, and businessman. The superintendent should be a leader in policy formulation. The school board decided policy, and the superintendent should be a leader in policy formulation. The school board decides policy, and the superintentendent sees that it is carried out. But the information normally is and always should be a shared responsibility.

Be prepared for the superintendent to be involved in controversy. He is prominently involved in an enterprise which deeply affects people's children, values, beliefs, and pocket books. He should know that he will not be able fully to satisfy all the people all the time. He should be prepared to make choices in which lack of money will be a determining factor, and he should be engaged in a constant battle to improve the school's financial strength.

As far as accountability in education, for all practical purposes, is a "myth." This is the reason that the educational systems of America are in trouble. The Harris Poll reported in 1966 that 61% of the people puestioned expressed the same confidence. In 1975, the Gallup Poll reported an even greater decline. In 1980, the decline will be much greater.

The performance of the superintendent should be weighted on what he does for all of the students. Accountability at best will be a long road. For one thing, we are not experienced at being accountable in the field of education other than fiscal accounting, and for a second, we are uninformed as to what the public will accept as a form of educational accountability.

At least one conclusion from such an expression could be that "we" not only must do a good job, but "people" must believe "we" are doing a good job.

The Board of Education prepares in some form and fashion, a financial plan for each year's operation of a school district. In other words, they "buy" educational services from administration and teachers. All too often this arrangement for purchase is entered into without either party being aware of "What is being bought." Such a practice may not meet accountability standards of the future.

The superintendent for all practical purposes is accountable to seven board members. The oath taken by a school board member indicates it:

> "...will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

Vernon's Texas Code Annotated--Education, page 117:

> "The State Board of Education is the policy-forming and planning body for the public schools of the State."

Vernon's Texas Code Annotated--Education, page 119:

> "The State Commissioner of Education shall be the executive officer through whom the State Board of Education shall carry out its policy and enforce its rules and regulations."

RECOMMENDATIONS

1. Make accountability a reality by "The child comes first."
   a. Identify the essential skills the student should have prior to graduation.
   b. Develop a plan for assessing that these essential skills are taught in a most effective and efficient manner possible.
   c. Develop cooperative school improvement programs, including curriculum, programs, staff development, and technical support at the local level.
2. A positive Affirmative Action Program should be implemented.
3. Involvement in the legislative procedure which would promote accountability in education.

THE EDUCATION OF HISPANICS:
WHO CAN BE HELD RESPONSIBLE FOR THE EDUCATION OF HISPANICS?
HOW ACCOUNTABLE ARE LOCAL EDUCATION AGENCIES?

By Arturo Medina, Ph.D.
Associate Professor of Education
in Corpus Christi, Texas

Boards fulfill their obligations locally in two generall ways. First, they are the official link with the public. Boards are to apprehend, understand, and reflect the public will in what they do. Second, boards have internal management responsibilities which are crucial to the enterprise's operation. The selection of top administrative leadership, allocation of fiscal resources, and examination of the system's product are examples. School boards cannot concentrate on internal affairs at the expense of responding to citizen interest. They must effectively mediate the public will.

Thus school boards are controlling bodies, acting in the interests of the local districts they represent, within statutory and constitutional boundaries. With specific powers to act, go obligations and responsibilities. Not only do boards have the power to build school buildings, to staff them with teachers, and to determine which students will be enrolled at which building; they also have the obligation to meet building construction codes, to employ legally certified teachers, and to abide by court decisions. Not only do local boards possess the power to enforce compulsory education laws, but they must also provide an education for all the children of their districts. Not only do school boards possess the power to transport children to school, they must also observe the safety precautions written into the pupil transportation codes of the states, as well as those passed by local municipal authorities.

The laws are both general and specific. The statutes may empower the local board to make general provisions for educating the mentally handicapped but require every student to pass an examination on the Federal Constitution before graduating from high school.

Boards cannot delegate to their administrative officers or to committees of their own members the authority to carry out acts which boards alone are empowered to perform. A classic example is the power to employ teachers; boards cannot delegate this power under any circumstances. The board can request its administrators to make recommendations for employment and then act on those recommendations, but it cannot legally authorize a superintendent to employ teachers.

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As the word mandate indicates, the board has no choice but to comply with the statutes of the state. When the intent of the law is clear, the board must act in accordance with it. For example, the board cannot refuse to allocate funds to support a local district's financial obligation in a state retirement system. Boards can, however, work through established legislative channels to have statutes amended, abolished, or modified.

Boards however, have discretionary powers in which it has wide latitude for decision-making. Reeves defines discretionary acts of boards as "those involving the use of judgement in promoting the legal objectives of the board." He goes on to say that many actions require quasi-judicial decisions on the part of boards and that probably most of the activities of school boards are discretionary rather than mandatory; the acts are "desirable" rather than prescribed by the law. A board exercises discretion when it chooses to participate in programs financed under federal auspices, when it elects to surpass minimum curriculum standards, when it votes to employ teachers who are more highly qualified than state certification standards require, or when it decides to add a new member to the district's central office staff.

School boards involved in school desegregation litigation exercise discretionary authority when they choose to appeal rulings of the courts. Despite the relatively small number of school desgregation cases where the findings of liability or scope of remedy have been overturned, local boards generally avail themselves of every appellate opportunity. They do so most often within a prevailing climate of public support. School boards can take alternative discretionary action through a consent decree. Hooker advocates the increased use of this option, which would reduce costs to local districts and remove the cloud of protracted litigation from the community.

Actions of boards many times may be taken in fulfilling a mandatory obligation but still require the exercise of discretion, and in these instances the dichotomy breaks down. For example, a board may be required by law to keep the schools open and in session 180 days each year but has the right to determine when the schools are to open and to close as well as in some instances which days of the year are to be observed as school holidays. Similarly the law directs most local boards to employ only certified teachers, but the board controls the assignment of teachers within the district. The board can assign its best teachers to the problem schools. It cannot, however, choose to employ noncertified teachers in defiance of the law.

In addition to discretionary powers, school board members do not live in political or social vacuums. As citizens of local communities, board members assume substantial obligations to act

in the best interest of their local constituencies. In each school district modes of acceptable school board behavior develop, and each new school board member more or less fits into these patterns. Occassionally serious reactions are registered against accepted behavior, these are often temporary, but they may establish new modes which are adopted by subsequent board members.

Sometimes the public schools become the political arena for reconciling many social differences. There are numerous situations in which school boards have been replaced due to widespread reactions of citizens.

Local school boards, in attempting to fulfill their public obligations, are getting pressured by their constituents to be more responsive to local needs; at the same time they are being pressured by inside forces, such as teachers' demands, at an ever intensifying rate.

Local control no longer reflects the pure localism and relative autonomy that school boards enjoyed or were thought to enjoy in the past. Moreover local discretion is likely to become even more circumscribed in the years ahead. Still, every effort should be made to resist unnecessary centralization. Citizens must have the opportunity to participate in decisions which affect the welfare of their children.

Opponents of local boards of education recite a long list of failures as justification for discontinuing local control. They point to unequal educational opportunity as manifest in have and have-not school districts, to high dropout rates in some areas, to rejections from military service because of inability to read and write adequately, to poor job performance of high school graduates, to "soft" curriculums, to shoddy teaching, and to shabby college perfromance. People who oppose local boards frequently feel these bodies are composed of persons who are unable to make sound decisions and who are susceptible to the domination of the superintendent of schools. They lack faith in the system and see centralized control as the essence of good school government. Frequently opponents claim that local control is a luxury and reasons are cited to explain why a centralized system would be more efficient. Reviewing the history of school boards documents the periodic challenges to the existence of school boards and notes their sources of public and professional support. Superintendents, Callahan says, have politely contended with board members for power and influence, but in the end the concept of lay authority has been sustained. The most powerful current contenders for a share in control are the teachers organizations which Callahan believes have a strong case. Others would agree that lay control is not in jeopardy even though there

are ideological and political bases for change. Usdan believes that the viability of school boards is in doubt but maintains that "...the local school board will survive in some manner, shape, or form although its basic responsibilities and capabilities must be assessed more realistically." He argues that if school boards were to disappear we would soon be about the task of constructing something similar to replace them. Usdan contends that, "Citizen or lay participation of one form or another in local school school affairs is simply too important a part of the warp and woof of America's political and educational traditions to disappear."

Those who believe in local boards and local control argue that the nation could ill afford to centralize educational decisions. They grant that local boards sometimes make bad decisions but hasten to add that they often make extra-ordinarily good decisions and that one poor centralized policy can be much more debilitating that a number of isolated poor policies. Others argue that centralized control is antithetical to the American tradition and that America's educational process to date is founded on locallly controlled school systems. Proponents cite the importance of citizen interest in education and maintain that central control will dampen that interest. They also point out that centralized decision making is vulnerable to political machinations in high places.

Board members and administrators are facing unusually difficult policy problems. They will have to focus on the present and future simultaneously. Day-to-day leadership has become so demanding that little time or energy is left for looking ahead. A promising method for blending current leadership needs with the intelligent appraisal of future issues is the "appraisal technique." The appraisal is conceived of as a device for dispassionate, intensive examination of the difficult present and emerging issues confronting the school system. It is designed to combine broad sources of data relevant to issues and to do so in a specially designed decision environment. The appraisal technique permits within-system data to be examined concurrently with significant nonsystem data. It allows for administrators or board members to examine transcendent, meta problems that have implications for individual sectors of administrative or policy responsibility.

Board members are occupied increasingly with issues that are only remotely related to classrooms. These issues are often adult issues, not issues concerning children and youth. In Detroit and Cincinnati boards of education invested hundreds of hours in debate over employee "residency." Philadelphia debated limousines for board members. In dozens of other districts energy was consumed in bickering and in fighting over incon-

sequential philosophical differencies among board members. The choice of board chairperson or president frequently produces turmoil. That issue is obviously important for the outcome may determine the future of board policy. Boards would be well advised to examine their own performance and employ reasoned criteria to ensure that the interests to their clients are properly served.

And yet, paradoxically, we are now in a time when school boards feel their authority is largely eroded. The informed view is that superintendents generally dominate their school boards.

Thus, one might argue that what we now have is a situation in which superintendents tend to dominate their school boards but are nonetheless frequently handcuffed by a variety of other, largely extra-community, forces.

Thus, most research indicates that instead of being dominated by a powerful elite or being influence by coalitions which shift with the issue (the pluralist contention), local educational policy making is generally dominated by the influence of the top school administrators. While certain types of issues constitute exceptions to this generalization, partly because they involve matters for which school superintendents can claim little special expertise to bolster their influence the overall pattern has been widely confirmed.

Thus, it is not surprising that the prevailing view on the control of public education has shifted from one of community control in the period up to say, 1950 to one of the professional educator control in the period since 1950.

Because of the difficulties noted, many school systems and state education agencies have encourage cooperative endeavors in which competent local resource personnel (educators as well as lay citizens) are utilized in cooperation with the talents of outside consultants. A team of this kind should have most of the advantages of both external and internal evaluations and be able to avoid most of the disadvantages of each. If the cooperative approach is to be effective, considerable effort must be devoted not only to development of appropriate plans and procedures, but also to the development and perhaps modification of attitudes and understanding held by those who participate in the effort.

Continuing self-appraisal or evaluation of perceptions and attitudes relating to education by board members, staff, and students, and even by parents and other citizens seems to be another essential. Constructive self-appraisals to which others contribute under favorable conditions should result in increasing the understanding of problems and needs in education and in more effective contributions to their solution.

Many of the larger local school systems currently seem to be so involved in attempting to deal with crisis situations that they apparently have inadequate time, energy or resources to devote to systematice appraisals or assessments of existing policies and procedures. Moreover, many of the smaller systems may not have any staff members who have the competencies or time needed to make or direct valid appraisal or assesments. Under these conditions, assistance may be sought from a regional service agency, the State Education Agency, an institution of higher learning, or perhaps even from a commercial group organized to make such studies for a substantial fee.

As demands and issues in education increase, the blocks of time needed to assess and meet those priorities decrease. This axiom prevails up and down the line, from school board members, to superintendents, to building principals, to classroom teachers, to part-time specialists. For board members, though the predicament is especially acute, owing to the fact that they are directly accountable to the public for the over-all condition of education within the school district they serve. For this reason boards of education should hire a full-time research and policy analyst to advise them on policy formulation and evaluation of their progress toward attaining their long-range objectives.

Policy analysis is best described as a set of procedures for inventing, anticipating, exploring, comparing, and articulating the alternatives available for achieving certain objectives. It is a method of managing, collecting and organizing information.

An analyst, should be enough of an independent to raise provocative questions about the objectives and consistencies--the related costs and benefits of programs within the district. Similarly the analyst should be able to offer direction for finding untapped sources of knowledge that might contribute to solving various problems.

It is not the analyst's role to argue the economic, political, personal, or institutional values suggested in a board proposal or policy option.

While the matter of budgeting is all pervasive in school system management and operation, other considerations enter in such as curriculum and instructional practices, and use of federal and state funds. Labor relations, and administrative organization personnel practices can be expended and improved through careful study and projections by the board's staff analyst.

But at not time should the board defer to any segment of the administration the responsibility for authorizing and assinging to analyst's research or to reviewing his effectiveness.

In sum, the board's policy analyst can help build a creative and cooperative relationship between board and administration. It can foster and maintain confidence in board decision making and administrative action.

The character of public school board-administrative staff relationships in the United States is a matter of serious concern today among informed citizens, school board members, and educators. The most extensive study of school boards ever conducted has recently concluded that the prevalent view among contemporary students of educational politics is well founded: school boards have largely ceased to exercise their representative and policy-making functions; for the most part they do not govern, but merely legitimate the policy recommendations of school superintendents. Thus, according to this view, the public, democratic control of education has been reduced to little more than a sham. In place of local control we are presented with a facade over which looms the specter of the cooperation of board members by the administrative staff.

One consequence of these developments with profound implications for the board's future is the isolation of the board, which has taken place. The network of PTA and volunteerism surrounding, supporting, and protecting the board from political stress has been eroded in most districts. Voter apathy is giving way to increased political conflict. The result, as Usdan suggests is that the board is unable to function as an effective agency of local government. Educational reform must concern itself less with board responsiveness than with providing boards with the political insulation needed by them, not, however, to fend off political demands, but rather to articulate these, mobilize support for them, and to reconicle real as well as apparent inconsistencies in demands. The board's task must be carried out at least partially by semi-governmental subsets in which it manages decision processes rather than controlling agendas. It needs a network or representative groups, which work to bubble up issues to it, which can share the political stress of diversity and the resolution of conflicting demands. Boards need such networks as social settings for trial-and-error learning about policy issues, which may best take place in semi-formal systems. It needs such a network of supporting public groups for consensus-building less within the board than among community groups, and between these and professional organizations. Given these requirements for the present educational government to function well, the events of 1954, desegregation, 1957, Sputnik, and the 1960 New york City teacher strike inevitably ushered in a new era in the politics of education generally. The local district and its board became inescapably the center of political conflict.

The development of more adequate research provisions and the conducting of continuous evaluation programs is an essential step. Regretably prior to the federal programs developed in the sixties, few resources were provided for research in most school systems. Also, too little is done in planning for a continuing evaluation program which over a period of years would collect large amounts of data about the variety of programs and services that are provided in the schools. The board that will insist upon the development of such plans has taken a long step in the direction of developing a base in the light of which appraisals can be made.

Finally, the board may periodically seek a more comprehensive appraisal. It, too, like the continuous appraisal referred to above, may be carried forward under the direction of the administrative staff. It also may involve the assistance of consultants. It generally should be cooperative—involving teachers and citizens —in many of its aspects.

Other groups such as the teachers and community groups may also play important roles. With the increase in community interest in education and the growing strength of the organized educational profession, it is likely that the problem of determining "who makes the decision" may be more difficult in the future. The growing complexity of the situation, however, demands that attention be given to fixing the responsibility for initiation, for example, and clarifying the expectations of the various groups involved. What thus appeared to be a rather simple problem—the separation of the powers of the administrator and of the board—is a very complex one, one that will be satisfactorily resolved only through extended cooperative effort based upon mutual confidence and respect among the parties involved.

OUTSIDE, INTERNAL, OR COOPERATIVE. In this context reference is made to those who assume the major responsibility for evaluative effort. Is the evaluation to be conducted primarily by "outside" consultants, by members of the local school system, or does it involve some type of cooperative arrangement? Until recently, few local school systems had the kind of expertise on their staffs needed to conduct bona fide evaluations. As a result, many have sought the assistance of outside consultants for evaluative endeavors. Frequently, however, the outside consultants did not have adequate knowledge or insights concerning the local situation, and their reports were sometimes rejected, or at least not utilized for the purposes originally intended. An internal study or evaluation may also have disadvantages. For example, the local staff may not have the expertise needed, or may be too parochial or limited in outlook to make objective evaluations or comparisions. This situation, when added to a possible tendency to attempt to justify existing practices, may make the concept of internal evaluation untenable in many instances.

School boards must then seize the initiative and not sit back passively and see their powers and influence wither away in the face of forces which they frequently cannot control. School board members, in any event, have an obligation beyond the mere maintenance of their own unique institution. If meaninful public paritcipation is to be maintained in the governance of the American educational enterprise, then school boards must be active advocates of new institutional responses and not mere defenders of the status quo. Indeed, the local school board if it is responsive to societal changes can be a most effective bastion for protecting the public interest against the powerful encroachment of increasingly influential professional organizations and powerful bureaucracies.

New modes of citizen participation have begun to evolve. These new mechanisms should not be viewed defensively as threats by existing local boards of education but as vehicles which could well buttress both meaningful public participation and influence of the local boards of education themselves.

The Los Angeles City school board education, for example, has put into operation a management "watch dog unit". This "monitoring unit", which was selected by, and reports to, the board of education, has as a chief function the making of independent studies and planning outside of the school. Although the findings and proposals of the unit also go to the superintendent of schools, the school board prides itself in having an agency that works for the board and which is not linked to the administration.

The late Cecil L. Gilliatt of Shelby, N.C., a past president of the National School Boards Association, brought the issue into the open at the 1976 American Association of school administrators convention. "I have a growing concern about the relationship between school boards and school superintendents," he told administrators. "As I travel about the country, I sense what seems to me to be an increasing distrust between board members and their chiefs. It is a feeling that somehow, somewhere, something is going badly amiss the sort of feeling the younger generation might classify as 'bad vibes'. I am not certain what is at the root of it. Perhaps it is merely a manifestation of our society—a society that seems to have forgotten how to trust." Gilliatt said school board members want to feel that they are receiving 'complete, uncompromising, unfailing, ungaulified honesty...all of the time...about everything,' and added that some board members "don't believe they're getting it."

"This interpretation is substantiated when a board receives a single recommendation or, perhaps, only one or two alternative choices," Gilliatt said. "There is the belief that the superintendent may be winnowing choices he personally dislikes but board members feel they are entitled to every available scrap of information that might affect their choice," he said.

Boards are not administrative bodies. Neither should they be "rubber stamps" for professional educators. The fine line between policy and administrative implementation requires "asking the good question" and being fully informed.

Boards should recognize that they represent the public interest. If people ask "Who represents the kid?" tell them board members do. No one else is legally charged to do that.

ACCOUNTABILITY WITH PROFESSIONAL ORGANIZATIONS

By Frank Longoria, Ph.D.
Chairman, Dept. of Foreign Languages
Texas Woman's University
Denton, Texas

In 1950, Henry Steele Commager, in an editorial in Life Magazine entitled "Our Schools Have Kept Us Free," wrote, "no other people ever demanded so much of education as have the American. None other was ever served so well by its schools and educators!" He went on to commend the schools on their success in meeting the goals that the American society had demanded: to provide an enlightened citizenry, to create national unity, and to Americanize the millions of foreign born who came to these shores annually after 1840.

The questions that may be raised about this editorial are: Who were the people who demanded so much or to whom were the schools, educators and professional organizations accountable? Who were those people who were served so well? What were the specific goals and objectives that the American society demanded. Who were the representatives of this American society of which he spoke? What kind of enlightenment were the schools to provide for their citizenry? How did he define national unity? What did he mean by the term Americanize and what did he mean by the title "Our Schools Have Kept Us Free." Free of what and from whom?

Unfortunately, Mr. Commager did not explain these enigmas; however, one could easily surmise that those people who demanded so much were not from the Hispanic community; that the goals which were set for our American society were set without an iota of concern for the educational needs of Hispanics and other minorities; that the enlightenment of which he speaks most certainly did not include a profound understanding of foreign cultures; that the terms national unity implied intolerance for cultural pluralism and differences of opinion especially if those differences were expressed by Hispanic community leaders; and that the term Americanize meant the virtual cultural and linguistic castration of Hispanics.

What does all of this have to do with the accountability of professional organizations? Well, it is very simple. In 1950 NEA was looking after its own interests and championing the rights of the Anglosaxon majority. As a professional organization, it had absolutely no concern for the educational needs of the Hispanic minority. It was not until Lyndon Baines Johnson signed the Civil Rights Act in 1964 that NEA demonstrated any inclination to desegregate its ranks. It promptly passed an amendment and ordered all NEA affiliates to take immediate steps

to remove all restrictive membership requirements dealing with race, creed, or ethnic groups.

As school districts merged in accordance with court orders, HEW drew up plans to desegregate school districts and NEA took a much greater interest in the rights of other minorities including those of Chicanos and other Hispanics. Currently NEA is spending about $5½ million of its $50 million budget allocation for promotion of Human and Civil Rights in Education.

What have we learned from this? Three important things: 1) Professional organizations play a major role in molding public opinion and, therefore, should be sensitive to the needs of the Hispanic community in order to reflect those needs accurately in public statements. 2) Professional organizations are normally reactors instead of actors. 3) Appropriate legislation must be passed as swiftly as possible in order to ensure that those organizations which are tied up in their own inertia will respond quickly in meeting the needs of the Hispanic American community.

In setting up an accountability model for all professional organizations we could go back to our friend Commager and his editorial in *Life Magazine*. His format is actually very good as long as we incorporate the needs of the Hispanic children. In my opinion, all professional organizations must be held accountable for the following things:

1) Our people have a right to demand the best education possible. Professional organizations must accept input from the Hispanic community in order to formulate their goals in accordance with the needs of that particular community. The organization's constitution must provide a means by which community members can participate in all activities and deliberations.

2) Once those goals are established in accordance and with the active participation of community members, the organization must pursue those goals vigorously through all legal means available.

3) The organization must ensure that in the process of enlightening the citizenry, the U.S. Government as well as the State Government and other agencies, the Commissioner of Public Education, the various boards, the public schools, etc. do not exclude cultural pluralism and linguistic endeavors.

4) Creation of national unity and Americanization must be accomplished through a spirit of mutual cooperation and respect for differences of language and culture.

5) Our schools should keep us free of discrimination and should keep our children free from those insensitive administrators and teachers who look upon another culture and another language as threats to their security.

In conclusion I would like to state that we Hispanics ought to recognize that we should also share some of the blame. We ought to accept some responsibility for the prepetuation of a system which has not contributed greatly to the education of Hispanics. We who are members of those organizations which profess to promote bilingual/bicultural education should reassess out commitment to such a program and should do all that is in our power to earn community support. All of us are aware that the dropout rate of Hispanics is the worst in the country, we are under represented in community colleges and universities, in teaching and administrative positions at all levels and in good paying positions in industry, etc. America is saying equality to all but inequality to the Hispanics. We should strive for equal power, equal education opportunities, equal freedom, equal justice and equal prestige for our language and culture. Final recommendations:

1) A good accountability model will include the following criteria:

   a) Detailed assessment of the educational needs of the Hispanic community.

   b) Establishing goals and objectives which are compatible with the educational needs of the children from the Hispanic community.

   c) Identification and formulation of a specific program geared to meet those needs.

   d) Development of specific measurable objectives based on those needs.

   e) Designing an evaluation system for periodic evaluation of program.

   f) Developing strategies and procedures for corrective action when needed.

   g) Review of the entire process on a semi-yearly basis with the participation of community representatives.

In general, I would like to recommend that all professional organizations should exchange accountability models on a regular basis in order to coordinate all efforts in seeking to improve the education of our children.

SATURDAY FEBRUARY 16, 1980
BILINGUAL EDUCATION SESSIONS

8:30 A.M. - 9:15 A.M. Continental Ball Room

PLENARY SESSION

INTRODUCTION OF MAJOR PRESENTOR: Mr. Henry Pascual
New Mexico
State Dept. of Education

MAJOR PRESENTOR: Dr. Blandina Cárdenas Ramírez
Former Commissioner - Administration For Children, Youth and Families - Washington, D.C.

9:30 - 12:00 Noon CONCURRENT SESSION A. Continental Ball Room

LEGISLATIVE AND JUDICIAL ISSUES AFFECTING
THE EDUCATION OF HISPANICS

MODERATOR: Henry Pascual

PRESENTOR: John Stokes

U.S. vs. Texas: A Legalistic Perspective

PRESENTOR: Joe Bernal

An Historical Perspective on the Education of Hispanics Leading to U.S. vs. Texas

PRESENTOR: Leonel Castillo

The Legal and Moral Issues Regarding the Education of Undocumented Children

PRESENTOR: State Sen. Carlos Truan (Texas)**
State Sen. Paul Sandoval (Colorado)
Arturo Vargas (New Mexico)**

The View from Colorado

PANEL MEMBERS: Charles Hansen José Cárdenas
Raúl Ysaguirre

**Did not submit a written speech

LEGISLATIVE JUDICIAL ISSUES AFFECTING THE EDUCATION OF HISPANICS

By Henry Pascual
Director of Bilingual Education
State Department of Education
in Santa Fe, New Mexico

Recommendations

1. The conference participants want to be put on record as protesting the lack of state education agency participation and attendance in the conference from the eleven (11) states represented.

2. There is much need for grass roots level support in the education of Hispanic children, therefore, all educators are urged to seek parental involvement in all aspects of education for our children.

3. The conference participants request that a White House Conference on Bilingual Education and all issues touching upon the education of Hispanics be held as soon as possible.

4. The conference participants request of all school superintendents, state school boards of education, and local boards of education, that bilingual education be made part of the regular education programs for Hispanics.

5. It is requested that all financial support destined for bilingual education be so identified and that bilingual education not fall into non-categorical funding.

6. The conference participants go on record as supporting the teaching of languages other than English to all students at the elementary, secondary, and university levels.

7. The conference participants urge all Hispanics to vote for those persons sympathetic and supportive of bilingual education, for appointments to state boards of education, and furthermore, urge all Hispanics to present their candidacies for positions in state boards of education.

8. The conference participants go on record as requesting all public education officials and all U.S. government officials to open the doors of the public schools to children of undocumented aliens.

9. The conference participants request that the planners of the Southwest Conference on the Education of Hispanics request input into the White House Conference on the family.

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10. The participants request that all sectors of education and the Hispanic community, campaign to educate the public and school hierarchies to understand that parents of undocumented children to pay taxes and are entitled to public education.

11. The conference participants go on record as requesting that present tuition for undocumented children be lowered or abolished immediately so that these children may participate in the education process.

12. The conference participants request, urge, and recommend that state education agencies represented by Region VI and Region VIII apply sanctions to local districts who are not meeting the needs of Hispanics through bilingual education.

13. The participants request that the Texas Education Agency comply with all aspects of Civil Action Order No. 5281.

14. It is recommended that after the court decides the pending enforcement motion, U.S. vs. Texas, the Texas Education Agency hold regional workshops to direct the decision and formulate work plans to help government and school officials to carry out the order.

15. It is recommended that Hispanics step up court action to extend the concepts of U.S. vs. Texas, and achieve compliance in all school districts. Hispanics should also strengthen the Mexican American Legal Defense Education Fund to make it a more effective and coordinated legal arm of the bilingual bicultural education effort.

16. It is recommended that a selected panel from this conference secure a strong commitment from the Department of Education (U.S.) to administer and enforce all Civil Rights laws in its jurisdiction. It is also requested that the Department of Education (U.S.) require more force for compliance programs and administrative help which have languished since the Uvalde and Victoria I. S. D. cases.

17. It is requested that the Texas Education Agency implement SB 195 and that the Texas legislature adopt resolutions for a mandated bilingual program through the fifth (5th) grade.

18. It is requested that the Department of Education and the Office for Civil Rights make sure that the Texas Education Agency implements the bilingual program so that the civil rights of children are not violated.

19. It is requested that the Texas Education Agency re-institute the Texas Advisory Committee on Bilingual Education.

20. It is recommended that the Office for Civil Rights investigate the management of the Texas Education Agency and that the Office for Civil Rights study and investigate state legislation which prohibits participation of minorities, with parity, in the State Board of Education of Texas.

21. It is requested that the Office for Civil Rights look into discrimination in matters of funding for bilingual education and for special education, and that this funding be similar to other programs such as vocational education.

22. It is requested that the New Mexico State Law for Bilingual Education eliminate remedial aspects as they now appear in the law.

23. It is requested that bilingual education in the public schools of New Mexico and other states have better standards for accountability.

24. It is recommended that all states serving all undocumented children receive impact aid from the federal government.

25. It is again recommended by the sessions on legislative and judicial issues that Commissioner Edward Baca appoint a panel of at least five (5) vigorous representatives to deliver all the recommendations made at the Conference on the Education of Hispanics to Secretary of Education, Hoffstedler, and that this be done with funds provided by the U.S. Office of Hispanic Affairs as soon as possible.

U.S. vs. TEXAS
A LEGALISTIC PERSPECTIVE

By John M. Stokes
Regional Attorney
Department of Health, Education, and Welfare

As we enter the second decade of litigation in this case, it is particularly appropriate that the leaders in Hispanic education are engaged in this conference, and that we refresh our memories on the legal issues involved in U.S. vs. Texas. With that, we can take a look at where bilingual education is heading in the future. What is past is truly prologue, and a grasp of the historical perspective as presented by Joe Bernal and of the legal implications as I will review them are important as we seek to achieve real progress in the 1980's.

U.S. vs. Texas originally started in 1970 as a case to enforce Title VI of the Civil Rights Act of 1964 and the 14th Ammendment to the United States Constitution with regard to the Texas Education Agency's administration of a number of all-black school districts then existing in the State. Almost as an afterthought, the original complaint also alleged that the State of Texas through TEA, had failed in its role as the chief public education agency and disburser of state educational and federal funds, to see that no child in the state was denied the benefits of programs supported by federal funds on the basis of race, color or national origin. After initial hearings in late 1970, the court required TEA to actively pursue its affirmative obligations under Title VI and the 14th Amendment to assure equal protection of the laws and to assure equal educational opportunities. Important to the current issues was a portion of the court order entitled "Section G" which, among other things, required TEA to institute a study of the educational needs of minority children, to ensure educational opportunities of all students, including the study of the need for and implementation of programs and curricula designed to meet the special educational needs of students whose primary language is other than English.

In 1972, the Court granted the G.I. Forum and LULAC permission to intervene in the case as representatives of all persons of Mexican descent or nationality in the State of Texas. In 1975, the intervenors filed a motion seeking enforcement of Section G by TEA and of the Texas Bilingual Educational Act of 1973, as well as the requirements of Lau vs. Nichols, 414 U.S. 563 (1974), plus the requirements of the Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703(f). The court was urged to require that local school districts, where there was a need, implement an educational plan similar to that required in the

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U.S. vs. San Felipe-Del Rio case, identify all Spanish language students in Texas and assure that also students participate in bilingual-bicultural programs and ensure compensatory services are provided such students to overcome the effects of any denial of bilingual-bicultural education. The Justice Department, after extensive consultation with HEW, filed a motion seeking compliance with Section G of the 1971 court order and Title VI of the Civil Rights Act. The government requested an order that the state develop and implement a comprehensive plan designed to meet the requirements of the court order and the law. Since that time, extensive discovery efforts have ensued, and the groundwork for a solid decision in favor of increased bilingual education has been laid.

A trial on the motions was held in early December with extensive testimony from witnesses presented by the Mexican American Legal Defense and Education Fund (MALDEF) including Dr. José Cárdenas, testimony by govenment witnesses, including personnel from Dallas and Washington, and very little testimony by the State. In its testimony, the State basically denied that it has violated the law or failed to provide adequate educational services to Spanish-speaking children, and complained of the enormous cost of what it sees as additional programs and the lack of adequate bilingual teachers. Briefs are currently in preparation by all parties, and are due to be filed with the court in mid-March. It could be as early as the fall or as late as next year before a decision is rendered, and of course, that decision would be subject to appeals to the Fifth Circuit and possibly to the Supreme Court.

As the case is being litigated, a number of other events are transpiring that will have an impact on the continuing efforts to implement bilingual-bicultural education as a standard in Texas. The first of these is the development of the so-called Lau guidelines in the form of regulations that would solidify the position of the government's requirement for programs designed to overcome the adverse impact of language and ethnic related problems. The process is slow, and has been slowed down even more so by the impact of the second major change that is coming about, and that is the creation of a Department of Education as a separate entity and the demise of HEW as we all have come to know and love it. Obviously any issue as important as the Lau guidelines and enforcement of bilingual-bicultural educational programs is a subject that the new Secretary in the new Department will want to review before they are issued, so the publication has been slowed somewhat. Fortunately, there has been a lot of coordination between the two groups at this point, and a lot of the actors that have been involved at the HEW level are also involved at the education level, and the differences should be resolved shortly and the Lau guidelines made more permanent. As you know, the

civil rights effort in the Department of Education will be under the direction of an Assistant Secretary, who not only reports to the Secretary, but more importantly, reports to the President and to the Congress, and will be expected to be more in the spotlight in terms of the enforcement of priorities such as the Lau guidelines and the requirements for bilingual-bicultural education.

AN HISTORICAL PERSPECTIVE ON THE EDUCATION OF THE HISPANICS LEADING TO U.S. vs. TEXAS

By Joe Bernal, Ph.D.

While bilingual education has a long history in United States, its acceptance into public schools through, Title VII of the Elementary and Secondary Act (1968) its subsequent endorsement through Court actions, and its incorporation into law by 22 states (as of 1978-79) has made the issue one of public concern and debate. Every American can express a favorable or unfavorable opinion because it is a public issue that can either be supported or not supported through tax funds. Policy conflicts regarding bilingual education can be settled by the U.S. Congress, by the Courts, state legislatures, state boards of education, and local school boards. And everyone has a right to impact these public institutions regarding the benefits of public funding. Such an institution is the Eastern Federal Court in Tyler.

As early as 1970, an attempt to dismantle the dual school system of Texas was made under U.S. vs. Texas, because minority children's rights were being denied. A Court order was issued requiring TEA to fulfill its obligations under Title VI of the 1964 Civil Rights Act and the 14th Amendment to the U.S. Constitution. TEA and the Commissioner were ordered to take affirmative steps and to withold state funds and accreditation from school districts which failed to meet their constitutional duty to eliminate remaining vestiges of the dual system. Going along with that intent, the Court ordered the consolidation of San Felipe and Del Rio school districts in 1971, under what the court recognized as de jure school system affecting students of different ethnic orgins (extending coverage beyond race). The Court ordered, through Civil Action Now. 5281, defendants to implement a bilingual/bicultural program for all students in the following areas: Professional Staff Treatment and Assignment; Curriculum Design and Content and Instructional Methodology; Student Assignment and Classroom Organization; Staff Development; Parent and Community Involvement; Special Education; Non-instructional Support; Funding and Timing; and Evaluation of Comprehensive Plan.

In order to facilitate compliance, TEA was ordered to undertake a study of the educational needs of minority children, develop minimum standards and enforcement procedures, and submit annual compliance reports.

Among other things, the 1977 Order contained the following essential requirements:

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1. Vigorous recruitment of Mexican American.administrators and staff;

2. A curriculum which recognized and valued the cultural environment and language of Mexican American students;

3. Language programs which develop and reinforce both the student's primary and secondary language from early childhood through grade 12;

4. Bilingual counseling, intercultural awareness program, and ethnic studies courses;

5. The establishment of multi-ethnic community councils to assist in the formulation and evaluation of the program;

6. The development of a plan to ensure the hiring and retention of competent bilingual/bicultural staff, including provision for their language and cultural awareness training;

7. The appointment of bilingual/bicultural teachers for special education classes;

8. The appointment of an educational consultant team to develop a plan to evaluate the effectiveness of the bilingual/bicultural program, and biannual reports to the Court and the parties on the progress of implementation.

Other judicial endorsements of bilingual education followed U.S. vs. Texas in Keyes vs. Denver (1974), Lau vs. Nichols (1974), Serna vs. Portales (1974) and Aspira vs. New York (1974).

What is indeed in question in U.S. vs. Texas, Civil Action Order No. 5281, is not the merits of the Order but how the Order has been or has not been carried out. The plaintiff, including the United States of America, the G.I. Forum, and the League of United Latin American Citizens (LULAC) had to file a motion to enforce four years later in 1975. If the response from the defendents was milk and the plaintiffs were babies, surely the child would have long since died. But the defendants are TEA and the State of Texas and the response is not milk for babies.

1. Did TEA undertake a study of needs? (yes, but...

2. Did TEA develop minimum standards and enforcement procedures?

3. Did TEA submit annual compliance reports?

4. Has TEA withheld state funds and accreditation failing to meet the Order?

Still four more years later (1979), the Court decided to hold hearings to find out just what has happened. Results should be forthcoming in summer of 1980. And the baby is gasping for life.

In response to the above questions--TEA has undertaken some very limited actions.

TEA has studied the needs, and did respond to the issue of Curriculum and Compensatory Education-around 1971. A great sensitivity was expressed in that undated report--part of which became an official goal of the State Board of Education adopted 10/3/70--that the public schools should help in the "...appreciation of Culture, Language and Life Style Diversities and their Corresponding Aesthetic Values ...Knowledge and Competence in at least one of the major languages of the state other than English - and an understanding of bilingualism".

But p. 3 of that report spoke to "constraints" and that may be where response procedures have fallen by the wayside. It speaks to institutional constraints TEA faces--including legislation, policies and resources. But most important, it stated that "...school districts have historically retained the option of selecting and modifying curricula...agency curriculum specialists have been limited to responding to local needs only on invitation and have not been authorized to identify districts that may need assistance and to initiate action".

The monitoring that has been undertaken has thusly been quite limited for it tends to support the status quo and tends to tone down the conflicts between TEA and the districts to the detriment of meeting the educational needs of all children as mandated from such on Order 5281.

TEA has not applied sanctions against any district out of compliance--either by taking away their funding or their accreditation.

As far as submitting annual compliance reports, an attorney for the plaintiff gave a resounding "absolutely not" --which is quite true regarding curriculum. However, on an issue of a much lesser political concern, TEA did respond to the monitoring of extra curricular activities and transfers.

My primary recommendation is for TEA to see itself in its proper role--the agency legally empowered by the legislature to carry out the educational mandates of the legislature. The question of school districts not meeting the constitutional needs of all children except by its own invitation to be monitored goes against the most obvious contempt of the Courts, contempt of the Civil Rights Laws, and contempt for the rights of the children of Texas to an equal educational opportunity.

THE LEGAL AND MORAL ISSUES REGARDING THE EDUCATION OF UNDOCUMENTED CHILDREN

by
Leonel J. Castillo

Introduction:

It is always a matter of great amazement and surprise to me that our State School hierarchies have concentrated so much energy on insisting that children who are undocumented aliens are kept out of school. It is an equally great surprise to me to learn that a visit to a school for undocumented children is an experience that leaves one profoundly impressed with the urgent need for action.

In the Second Ward of Houston there is a relatively new elementary school building, Anson Jones, which has the most modern equipment, the widest array of federal funds and numerous problems of the usual kind. Several blocks away is a local school for undocumented children which operates out of a decrepit neighborhood recreation building. The students share the limited number of ancient textbooks, have volunteer teachers, are 35 to a room and come to school only 4 hours a day. These students have to pay tuition of $5.00 a week and try to make up in enthusiasm and deligence what they lack in facilities and equipment.

There are other schools like this one in Houston Texas, in the United States.

Text:

Why is this so? What can be done while the legal and political issues are being resolved? When can we expect some resolution of these issues? In the next few minutes I will try to give you some brief answers to these questions.

Why is this so? How did this happen? Unfortunately, the U.S. and Mexico now permit the existence of the world's largest temporary worker program--we call it the undocumented alien problem. One of the many sad side-effects of this situation is the growth of a population of invisible young people who shop, work, dance, and live in the U.S. [illegible]e persons have also brought over a not unexpected population of children of school age. The size of the actual population of children is unknown and probably unmeasurable (with any accuracy). All we know for sure is that it is significant, and that many school administrators and the public, erroneously believe that it is huge and parasitic. Therefore they have fought to deny them free public education in the U.S.

The legal battle could well be resolved within the year. However, it is unclear just what a "victory" would entail. We can be fairly sure that legislators will work to exclude these children regardless of any court ruling. We can also be sure that tuition and documentation requirements will remain a problem so long as the public remains convinced that these children and their parents are a burden on our society.

It also appears certain that a political solution will not be possible until after the 1980 Presidential election. In fact the Select Commission on Immigration and Refugee Policy will not even make its final report until 1981. It could well be months before these recommendations are translated into legislative proposals, and years before the Congress acts. Realistically, we can expect the current situation to continue until the mid1980's. There are a few reasons for optimism but I think these are slim and it would be best not to dwell on these today.

So, what can be done? How can we move to prevent the creation of a generation of illiterates? I have a few modest proposals:

a.) Educate the public and the school hierarchies to the fact these childrens' parents pay more than their fair share of taxes.

b.) Insist that tuitions be lowered now at the ISD's.

c.) Support the legal and political battles to educate these children.

d.) Help the schools that now exist with material, financial and personal support.

If we, *los educados*, do not take affirmative steps now, we will become known as *los ignorantes*.

THE VIEW FROM COLORADO

By Paul Sandoval
State Senator from the State of Colorado

This morning, I am going to talk about bilingual bicultural education in Colorado, and about some trends I see nationally. We have had state bilingual legislation since 1975, and the history of bilingual bicultural education in Colorado has been a struggle every step of the way.

Colorado's state Act is a very good one, perhpas the best in the country. The objectives of the Act are to:

--improve child performance in comprehension, reading writing and speaking English;

--improve school attendance and reduce the drop-out rate;

--help minority children to develop positive self-concepts and attitudes; and

--develop parent involvement in the schools.

Every year the Chicano Caucus, parents and educators have had to fight for bilingual bicultural education. For the last two years, since 1978, we have had a Democratic governor and a Republican legislature. The stated aims of the chairpeople of both the House and Senate education committees is to kill bilingual education. This particular year bilingual education did not make it on the governor's call as an issue, so these gentlemen have tried to schedule special meetings of their committees in an effort to kill the appropriation. We were so well organized that we were able to kill this meeting, but we know they are not finished yet. Parents and community people are ready to testify, to write letters, to lobby local legislators at their homes, and to stop efforts to kill bilingual education. Colorado is not a state where bilingual bicultural education could have survived and flourished without enormous community organization and information-sharing with parents.

It is very important to us to keep bilingual bicultural education, because in spite of all the odds, the yearly cuts in funding, the untrained teachers and aides and the racist school administrations, bilingual bicultural education in Colorado is meeting the objectives set out in the Act.

According to two evaluations done by Ross Goldsmith of Colorado University, bilingual education has improved the read-

ing scores of children. In 1978-79, 49% of all linguistically different children improved their performance in reading. Another 43% were prevented from losing educational ground and fell behind their peers.

In terms of parent involvement, 98% of all parents participated in the schools in some way.

I was frankly surprised at these results, because they have happened in the context of decreasing funding. 1976, was the best funding year for state bilingual education, at 3.2 million dollars. By last year, the budget was slashed to 1.8 million dollars. To do an effective job, we would need 5 million dollars for children kindergarten through thrid grade, and that is what we are asking for this year.

One thing that I found quite useful was to compare the money for state bilingual education with the money spent on education in Colorado. Last year's bilingual education budget was for 1.8 million dollars. The total state budget for education is 6 hundred million dollars. I wonder if we are really getting our fair share.

Now Let's talk about Title VII.

As Hispanics, we all should be clear that education has been our issue and will continue to be our issue in the 1980's. bilingual education has been our particular issue because it has allowed us a vehicle for preserving our cultures and for learning how to gain political power in the system. It has also been the only way that many of our children have been able to effectively compete and participate in this society. Title VII is the federal mechanism for funding bilingual education, as everybody knows. The total projected Title VII budget for 1981 will be 180 million dollars. The total projected Department of Education budget is 16.3 million dollars.

We have allowed ourselves to be bought off cheap. Why? My personal opinion is that we have not involved people in education. Bilingual bicultural education has become the province of paper writers and conference givers and goers, but there is very little involvement of parents of children and grass-roots people in this movement, yet everybody knows that Title VII programs are just scratching the surface of the need. In Colorado alone, I know of at least 15 districts who could use Title VII dollars who are not receiving them. Half of those 15 are applying for funds for next year. They really don't stand much of a chance, with only 180 million dollars for the whole nation.

I am the co-chairperson of the Parent Advisory Committee of Denver, Colorado. I can tell you that most parents in that district know nothing about Title VII, about Federal funding for bilingual education, or about compliance, enforcement or their rights. Title VII has always paid lip service to the involvement of parents. I have been involved with bilingual bicultural education since 1975 and I have not seen any parent involvement in Colorado that was the result of Title VII funding or staff. Parent involvement has come about because the state mandates it, and because the Chicano Education Project has made it happen.

In Denver, for example, parents are being trained in bilingual issues for the first time. The Administration there is very threatened because parents are asking pointed questions about issues. They should. I have some questions of my own.

Why has Denver gone from 22 bilingual schools to 15 bilingual schools in the past two years?

Why are there 15 people in the bilingual administration office for only 15 schools?

Why are teacher aides grossly under-aid, and administrators paid upwards of 30 thousand dollars per year?

Why does the school district of Denver contribute less than one percent of its total budget to bilingual bicultural education?

My point here is that neither OBE nor the state agency nor the local district has ever developed a broad power base for bilingual education. Hence, we get less than one percent of Federal, state and local education dollars.

To change that situation, we are going to have to radically change our thinking--and doing. We can start by letting our representatives in Washington know we are serious about bilingual bicultural education, and by educating our constituency--Hispanic parents and community persons--about bilingual education as an educational process and a <u>political</u> process.

Bilingual bicultural education is our issue. We must not stop there. We must use the skills and experience gained by our work in bilingual bicultural education to change the schools, and to change the political process in our states. This means making some transitions, and taking some risks.

--Bilingual educators must become superintendents and principals--and politicians.

--PAC members must use what they have learned to get on school boards and city councils.

--Bilingual directors and personnel must not isolate themselves from criticism, and must learn to listen to their constituents.

--We must make sure that Hispanics are represented in the census and fight reapportionment efforts that divide our communities.

In the coming decade, we will become one of the largest minority groups in the country. We had better be clear that we cannot lose touch with our communities, and that community people must be convinced of the worth of bilingual education, or else we will be a group of leaders leading only ourselves. Political power is not going to come to us. We have to go out and get it.

SATURDAY FEBRUARY 16, 1980

BILINGUAL EDUCATION SESSIONS

9:30 A.M. - 12:00 Noon CONCURRENT SESSION B. River Room

IMPLEMENTING BILINGUAL EDUCATION PROGRAMS AND ENFORCING COMPLIANCE WITH FEDERAL AND STATE STATUTES

MODERATOR: Aurelio Montemayor

PRESENTOR: Norma Solís**
Roger Rice**

Title VI, the Lau Remedies and Bilingual Education" Legal Requirements

PRESENTOR: María Spencer

Bilingual Education--A moral obligation

PRESENTOR: Angel Noe González

Update" U.S. vs. Texas - Civil Action 5281

PRESENTOR: Luis Segura

Compliance and Non-Compliance With Court-Ordered Affirmative Action

PANEL MEMBERS: Charlie Miller
Gilbert Roman
John Rinaldi
Richard Teniente
Matt García

**Did not submit a written speech

BILINGUAL EDUCATION - A MORAL OBLIGATION

By Maria Gutierrez Spencer
Educational Consultant
in Silver City, New Mexico

Article 26 of the Declaration of Human Rights of the United Nations states that every person has a right to an education. We assume that education means more than the mere acquisition of knowledge, in fact it means the complete development of mental faculties and the acquisition of ethical values.

The antropologist, Edward Hall, says that the learning drive is stronger than the sex drive, but that somehow in this country we have managed to transform one of the most rewarding of human activities into a painful, mind-shrinking and soul-shriveling experience. If this is true of the education of the majority group, it is compounded for the minorities.

The maintenance of the first language or dialect is the birthright of every child. The failure on the part of educators to see the logic of first language maintenance and their rejection of the child's abilities and culture are partly due to a lack of understanding of the role of the first language.

A newborn baby starts to develop his intelligence from the first moment of life, but he is isolated until he learns the language of his mother. These sounds, first heard in his mother's arms, make it possible to express desires, feelings and ideas; form the deepest loyalty; and become the most intimate part of the self. A child may be weaned from his mother, but he never loses the firm attachment to the mother tongue. A school that demands that a child cease to use his own language is mutilating him psychologically.

Einer Haugen claims that everybody recognizes the importance of respecting the first language or dialect of the child. Obviously, the distinguished scholar has not been visiting the schools. The process of learning the home language is usually completed before the end of the fourth year when all the basic elements of the language structure have been mastered. A school that does not take advantage of the first language is saying to the child, "Shut up. We don't want to hear what you have to say. What you know does not count here." They are rejecting the child, his parents, and his home. I compare the schools to a gardener who buys an expensive rosebush, takes it home, cuts off its roots, plants it, spends a lot of time and effort watering it, fertilizing it, and protecting it from insects, only to produce a stick. And so the schools take our

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children and cut off their roots and spend millions of dollars on buildings, school buses, libraries, teachers, and counselors only to produce people who are leaden-eyed and lifeless.

Good bilingual programs nurture the children through their roots. What is more natural than taking advantage of the language a child knows, developing it, encouraging him to think and express himself, giving him confidence and simultaneously helping him to learn English?

Every citizen has the right to expect the schools to teach him the national language. There is probably no other subject in the schools which is as neglected or as poorly taught as is English. For years we have known that children do not learn to speak by being given lessons in grammar. Yet the schools persist in their efforts to teach the parts of speech to children who do not understand their basic English readers.

The child who crosses the river into this country today is lucky because his parents and the school know his problem, the lack of English. The Mexican American child is less fortunate. He may speak a little social English, but not understand the academic English used by the teachers. The universities do not prepare the teachers to recognize the linguistic problems of the Mexican American and Indian. When a child does not understand and fails to follow instructions the teacher assumes that he is not bright. Once she forms that opinion, her eyes, her tone of voice, and her manner will communicate it. The child is doomed for he sees himself in the eyes of the all-knowing teacher. Anxiety has its roots in the disapproval of adults and their attitudes toward the child have a bearing on his attitude towards himself. Low teacher expectations have caused many of these children to role-play "dummy".

The universities should make prospective teachers aware of the problems that some children experience when they must shift from a language with 22 sounds (Spanish) to one with 47 sounds (English). Some students do not hear the difference between "chop" and "shop". They may not hear the z sound. Hispanic children who use more than 100 forms of each common Spanish verb easily master the 5 forms of English verbs, but are overwhelmed by English which will use the same verbs over and over again with different meanings. Consider their plight when they learn the verb, to run and find that noses run, dyes run, stockings run, refrigerators run, cars run, and streets run north and south. One runs for office, runs off copies, runs off at the mouth, runs up a bill, runs out of paper, runs down people with a vehicle or with the tongue, or looks run down or runs a temperature. Another hurdle children must face is the many idioms in everyday American English speech. Children hear of people

who fly off the handle, let down their hair, break the ice, throw in the sponge, and live high on the hog, and are thoroughly confused.

Every teacher who graduates from a university in the Southwest should have instruction in contrastive analysis, the roles of first and second languages, and the methodology required for English-as-a-Second Language. The universities have a moral obligation to prepare teachers to anticipate the problems of a large part of the population.

Children learn to speak English by speaking, but in many schools they have few opportunities to speak. Children learn to write English by writing, but in most schools children are required to fill in blanks in endless ditto sheets and workbooks. When an English-as-a-Second Language program is avialable, it is usually left to untrained aides. You, as leaders, should insist that teachers receive the training to diagnose and solve the problems that children face in learning English.

The child who crosses the Rio Grande today enjoys another advantage. Even though his family may be the victims of grinding poverty, he knows that the symphony orchestra conductors, the cardiologists, and architects in Mexico have the same ethnic background that he has. Not so the Chicano who does not know who he is nor can claim many successful models to emulate. Recently a Mexican journalist said that Mexican Americans are considered Mexicans but not in Mexico, and are considered North Americans everywhere except in the United States. The alienation that Mexican Americans feel in the land of our fathers produces chronic misery and a resultant loss of human resources.

The schools have a moral obligation to accept each child and his culture so that he can become a full-functioning individual. Educators should stress that every culture is good for the people who live in it. Children who are encouraged to compare culture patterns will not suffer the humiliation of feeling ashamed of their parents and their way of life. For instance in our Center, we would tell our students that when an Anglo is jilted, his friends avoid mentioning the girl's name and act as if nothing happened. We asked them what Mexican men do. Pues, se echan una parrandota, se juntan con sus amigos, cantan y lloran. Who is to say which is better?

Most of us are conscious of the frenzied quest for identity which is evident in our society today. Our minority children are handicapped in seeking a firm identity. La leyenda negra, the black legend, is the name we give to the custom originated by the English of denigrating everything Spanish, later adopted by Anglo Americans towards everything Spanish or Indian.

The NEA magazine had an article on maps by a Dr. Fisher. He claimed that before the British Empire of the 19th century, all the empires of the world were Mediterranean. I wrote and asked them where in the Mediterranean they would put the Spanish Empire of Carlos Quinto which included Spain, Belgium, Holland, Luxumbourg, Germany, Austria, most of Italy, parts of France, Sicily, Sardinia, parts of north Africa, a large part of what is now the United States, Mexico, Central America, all of South America except Brazil the Carribbean Islands, Guam, the Phillipines and other islands of the Pacific. One would think the NEA would know better.

In his book on the black legend, *Tree of Hate*, Dr. Phillip Powell says, "Our national habit of condescension and oversimplification of virtually all phenomena of the Hispanic world is a habit that stretches from our elementary schools to universities to the White House, and it grows out of ancestral antagonisms that have come to constitute a perennial prejudice, as unjustifiable as it can be dangerous."

Our children learn about our past in the textbooks used in our schools which generally are little more than moralizing propaganda for the vision of what some think is the social good. The first chapter of a popular social studies textbook is entitled, "The First Settlers", subtitled, "Why did the English come to America?" On page 197 the Indians appear followed by the Spanish, on page 205, who came seeking metals. The schools and the textbooks reflect the view of the entire society whose media persists in telling us that we do not exist and when we do surface, are portrayed at best, as picturesque.

In an attempt to remedy the situation the elementary bilingual programs stress the need to study of food, folksongs, folkdances, and the ubiquitous *piñata*. Far from making the home language respectable as a universal language which is used to discuss philosophy and nuclear physics, the children must get the impression that Spanish is a kitchen language used by simple, happy folks.

Fortunately there are a few excellent programs where children talk, read, and write about science, social studies, and cultural heritage in Spanish and English. It is delightful to hear children discussing the ideas of Don Juan Manuel who wrote *The Emperor's New Clothes* around the year 1297, the exploits of *El Cid*, *The Adventures of Cabeza de Baca*, the culture of the Teotihuacanos, the first Spanish Thanksgiving in the Southwest in 1598, and the incredible accomplishments of Isabel I. Bulletin boards showing drawings made by firstgraders illustrating El Retablo de Maese Pedro from *Don Quixote* and their posters on English idioms show that the children are being exposed to

both languages and cultures. There are children who have learned to recite poems by Lope de Vega and the songs of Huexotzingo.

Legitimate bilingual education can give our children an opportunity for self-actualization, a spontaneity, pride in our two languages and cultures, and a fuller knowledge and acceptance of self.

There is a double standard in this country which considers it chic for Jaqueline Onassis to speak a little Spanish and very gauche for Tacho and Teresita to speak Spanish very well. Recently a government report announced that national goals require an effort to revive the teaching of languages. In this country we have millions of Hispanics who speak the two most important international languages in the world, Spanish and English, the official languages of 57 countries. Our government has spent millions of dollars to teach Spanish to Anglos and millions to eradicate it among Hispanics. The government report that stated that we were losing markets because our people did know foreign languages did not mention that a large percentage of our population is already proficient in one of the most important languages.

As a pioneer in the field with experience in evaluation and teacher training in many states, I regret to report that more than 90% of the so-called bilingual programs I have visited are neither bilingual nor bicultural!

The teachers who fail in bilingual education usually do so because they are cheated by the universities that are funded to train them. The funding for teacher-training programs goes to professors whose talent is writing proposals. In many cases these professors are functional illiterates in Spanish and lack the background in the history and fine arts of the Indo-Hispanic civilizations. Since they are unprepared to try bilingual education, they talk about it, identifying the problems, reviewing the research, adding comments on the Mexican experience, and talking about machismo. None of what is presented in the lectures can be taught in the first grade. To compound the problem, the lectures are delivered in English, but seasoned with a few pithy sayings in Spanish.

The prospective teachers need participation-training in the teaching of subject matter in Spanish, demonstrated by the professor who subsequently helps each participant to take over the class while the other participants play the roles of children. In this way the teachers learn the technical vocabulary and develop the habits which will help them to succeed in their own classrooms. The cultural component is interwoven with the other subject matter to make it more relevant. There are a few university professors who operate in this way. The survival of bilingual education depends on the standards set.

In bilingual education in the universities we have many leaders but few women who address themselves to the actual training of teachers. Perhaps it would be best to take the training of bilingual teachers out of the education departments and place it in the language departments where they are concerned with literacy skills or in the anthropology departments and place it in the language departments where they are concerned with literacy skills or in the anthropology departments where departments where they are concerned with culture.

The federal and state governments should require that evaluations be conducted by specified agencies rather than by evaluators hired by the project directors. The evaluations should be more than attempts to justify the actions of the project staff. Some of the evaluations are masterful descriptions of flights of fancy by consultants who never visit a class.

The few meritorious bilingual programs are being done in by the criticism leveled at projects that adopt the bilingual label only to generate funds. The bilingual label is sometimes used by administrators who wish to discredit bilingual education and by well-meaning but incompetent Hispanic educators who think bilingual education means teaching lists of words in Spanish.

Many Hispanic leaders are involved in convincing the Anglo community of the value of bilingual-bicultural education. My ambitions are far more modest. I would like to convince many of our leaders of the value of bilingual education. Try it, it's great! It is time that we stop talking about bilingual education and participate in it.

In spite of our many problems, we do have our triumphs. One has only to remember some of the children who have been saved. One day some visitors were astonished at the aplomb of Angela, a tiny firstgrader, who losing patience with a student-teachers, said to me, *Vente, chaparra, ponte a enseñar, tú sí sabes*. (Come on Shorty, get in there and teach, you do know how.) We need to produce more Angelas.

UPDATE: U.S. VS. TEXAS--CIVIL ACTION 5281

By Angel Noe Gonzalez
Director Bilingual Education
Dallas ISD, Dallas, Texas

Let me take this opportunity to thank some very special people. All of these people have contributed much time and energy and used their knowledge and expertise in focusing attention on the educational neglect of limited English proficiency students by the State of Texas.

LULAC and G.I. FORUM - Plaintiffs - Intervenors MALDEF

* Peter Roos
* Roger Rice
* Pancho Velásquez

Dr. José Angel Cárdenas
Judge Wayne Justice-District Court
Eastern District of Texas
Tyler, Texas

BRIEF HISTORICAL BACKGROUND

* Action was started March 6, 1970 - for the purpose of dismantling the dual school system in Texas which had denied minority children their rights which are guaranteed under the Fourteenth Amendment of the United States Constitution.

* A desegregation order was issued November 24, 1970 requiring TEA to fulfill its obligation under Title VI of the Civil Rights Act of 1964. TEA and the Commissioner were directed to take affirmative steps and to withhold state funds and accreditation from school districts which failed to meet their constitutional duty.

* This order was supplemented by a further order on April 20, 1971.

* The November 24, 1970 was affirmed and the April 20, 1971 order was modified and affirmed by the Fifth Circuit Court of Appeals.

* This court then reissued the April 20, 1971 order as modified by the Fifth circuit on July 13, 1971.

* Justice Black denied a stay of the order on July 29, 1971.

* U.S. Supreme Court permitted lower court decision to stand on January 11, 1972.

* An order amending the July 13, 1971 order was filed August 9, 1973.

* There were several interventions in this case, including one relating to the consolidation and integration of the San Felipe and Del Rio School districts. This intervention culuminated in the order of this court of August 13, 1971, and the Memorandum Opinion of December 6, 1971.

* MALDEF filed a motion in 1975, requesting the court to enforce Decree and for Supplemental relief, accusing TEA of being in violation of the July 13, 1971 court order. This case was heard by Judge Justice in Tyler, Texas the week of December 3, 1979, four years after the motion was filed. Briefs should be filed during the month of April so that a court decision might be made by midsummer.

The Court's Modified Order of July 13, 1971

1. Required TEA to ensure an equal educational opportunity for every student in the elementary and secondary public schools of Texas regardless of race, color or national origin.

2. Required TEA to undertake the affirmative duty to eliminating the dual school system and "to compensate for the abiding scars of past discrimination."

3. Required to recommend and implement curriculum offerings and programs "to compensate minority children for unequal educational opportunities resulting from past and present racial and ethnic isolation, as well as programs and curriculum designed to meet the special educational needs of students whose primary language is other than English".

4. TEA was ordered to (a) undertake a study of the educational needs of minority children, (b) develop minimum standards and enforcement procedures and (c) submit annual compliance reports.

The Court's Order of December 6, 1971.

In order to (a) reduce the "cultural and linguistic shock" of desegregation, (b) to avoid the "creation of a stigma of inferiority", and (c) to make available a meaningful educational experience to Mexican American students, the court ordered TEA to implement a bilingual/bicultural program for all students in the following areas:

* Professional Staff Treatment and Assignment.

* Curriculum Design and Content and Instructional Methodology.

* Student Assignment and Classroom Organization.

* Staff Development.

* Parent and Community Involvement.

* Special Education.

* Non-instructional Support.

* Funding and Timing and

* Evaluation of Comprehensive Plan.

The December 6, 1971 order contained among other things, the following essential requirements:

(a) Vigorous recruitment of Mexican American administrators and staff;

(b) A curriculum which recognized and valued the cultural environment and language of Mexican American students;

(c) Language programs which develop and reinforce both the student's primary and secondary language programs which develop and reinforce both the student's primary and secondary language from early childhood through grade 12;

(d) Bilingual counselling, intercultural awareness programs, and ethnic studies courses;

(e) The establishment of multi-ethnic community councils to assist in the formulation and evaluation of the program;

(f) The development of a plan to ensure the hiring and retention of competent bilingual/bicultural staff, including provision for their language and cultural awareness training;

(g) The appointment of bilingual/bicultural teachers for special education classes;

(h) The appointment of an educational consultant team to develop a plan to evaluate the effectiveness of the bilingual/bicultural program, and biannual reports to the court and the parties on the progress of implementation.

Recent Judicial Developments

I. Keyes vs. School District No. I. Denver, Colorado.

Order to implement bilingual bicultural program for Spanish speaking children in the Denver schools.

II. Lau vs. Nichols - January 21, 1974

This unanimous Supreme Court can be summarized in three quotations:

* "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from many meaningful education."

* "To impose the requirement that before a child can effectively participate in the educational program, he/she must have already acquired basic skills, is to make a mockery of public education."

* "We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful."

III. Serna vs. Portales Municipal Schools (1974).

Court ordered bilingual/bicultural relief as did.

IV. Aspira of New York, Inc. vs. Board of Education of the City of New York (August 29, 1974).

V. The qual Educational Opportunities Act of 1974 - (August 21, 1974).

"No State shall deny equal educational opportunity on account of his or her race, color, sex or national origin, by..... the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional program."

The Act recognizes that:

(a) Teachers may be assigned to particular schools, programs, and classes on the basis of race or national origin in order to implement programs designed to overcome language barriers.

(b) The responsibility for implementation and monitoring of bilingual/bicultural programs belongs to the States, and

(c) The Act expressly provides that "an individual denied equal educational opportunity, as defined, may institute a civil action in an appropriate district court of the United States against such parties, and request relief, as may be appropriate...."

ISSUES

1. TEA has failed to comply with the spirit and letter of the July 13, 1971 court order.

2. TEA has acted in disregard of the U.S. Supreme Court decision Lau vs. Nichols.

3. TEA has failed to implement and enforce an adequate procedure for identification of limited English proficiency students, and as such TEA is in violation of Court Order and of the Constitution and laws of the United States.

4. TEA has failed to extend bilingual/bicultural programs to all Spanish language students in Texas. It is estimated that more than 600,000 Mexican American students have been denied their rights in violation of the Court Order.

5. TEA has failed to compel Districts to offer bilingual/bicultural programs in violation of the Court Order.

6. TEA has failed to take steps to implement, enforce, and monitor the bilingual/bicultural program already established as required by the Court Order.

7. TEA has failed to insure adequacy of bilingual/bicultural programs as required by the Courts Order of December 6, 1971.

8. TEA has submitted annual compliance reports that are inadequate, redundant, and misleading, and do not comply with the July 13, 1971 Court Order.

(a) The criteria for identification of LEP children are not uniform and allow for the exclusion of large numbers of LEP students.

(b) Many of the programs listed as part of the bilingual/bicultural program are, in reality, courses in the regular school curriculum and are not compensatory bilingual/bicultural programs designed for students of limited English proficiency.

(c) The reports do not distinguish between students of limited English proficiency and other students who participate in the various programs.

(d) There are overlaps in statistics such that many students are counted two or more times in calculating the number of students served under the various programs.

(e) The number of hours that each student spends in each bilingual/bicultural course is not clear from the statistics.

(f) There are overlaps in the statistical data with regard to the number of hours of staff time spent on development as a result many hours are counted two or more times in calculating the total number of hours spend developing bilingual/bicultural programs.

9. TEA has failed miserably in making available sufficient funds to local school districts to implement bilingual/bicultural programs in conformity with the Orders of the Court and the Constitution and Laws of the United States.

These are some of the issues as they relate to the Court Orders of July 13, 1971 and December 6, 1971.

Let me now review some of the concerns which must be addressed now.

CONCERNS

1. Properly trained and certified teachers who can teach in another language other than English. Bilingual Instructional ional programs have enjoyed less than adequate staff, both in numbers and quality.

2. Testing children in a language they do not fully understand. It is impossible to assess achievement and effectiveness of any program if your assessment program is not appropriate.

3. Availability of quality materials, textbooks and audio visual aides. Materials have been scarce and of very poor quality. State adopted materials have almost been non-existent.

4. Availability of research in the area of second language acquisition and in the area of learning in languages other than English. There has been very little done in this area. Resources for research have been negligible and where monies have been set aside for this research, the design dictated negative results.

5. Methodology in teaching concepts in another language other than English. Experts must be brought in to assist in the full implementation of a sound bilingual education program.

6. Making bilingual education part of general education. Bilingual education must be a priority, not an after thought. Bilingual education must not be because of a court mandate.

7. Determining factors related to entry and exit criteria.

8. Quality staff development at the local and State level as well as at the college and university level.

9. Resources (fundings). The State has never provided adequate funds for supplies, materials and staffing.

10. Leadership and support of Bilingual education by Texas Education Agency personnel has not been visible. To the contrary, recent statements by the Commissioner of Education have destroyed our limited gains.

11. Monitoring of bilingual education programs has been non-existent even though the State Law and State Board policy require monitoring.

12. Evaluation of program implementation as well as program effectiveness has been negligible.

13. Endorsements and permits have been issued without regard to badly needed competencies.

14. A total understanding and acceptance by educators and lay people of bilingual education.

RECOMMENDATIONS

The recommendations which I will share with you now, must be addressed immediately. It is of little value to have a Court Order, amendments to the Court Order, supplements to the Court Order, a Constitution which guarantees all people certain rights and laws, if we don't ensure compliance. There must be a stiff penalty for non-compliance. In the case of providing for the limited English and/or non-English proficiency student, it is my belief and recommendation that non-compliance of the Court Order or non-compliance with the laws of this land, should constitute a criminal act and should be punishable as such. That is recommendation numero uno!

RECOMMENDATION NÚMERO DOS

That we initiate a teacher training program immediately to ensure that each teacher who teaches children of limited English proficiency posses all competencies necessary to be successful. This would include a total oral language proficiency program so that a teacher can teach subject matter, and feel comfortable.

RECOMMENDATION NÚMERO TRES

That we begin immediately to review all materials that are available. Identify quality materials, throw out poor quality materials and begin filling the gaps. Limited English proficiency students deserve quality textbooks, materials and audio visual aides.

RECOMMENDATION NÚMERO CUATRO

That the Texas Education Agency provide sufficient financial resources for all limited English proficiency students (K-12) to ensure full implementation of a sound bilingual/bicultural program.

RECOMMENDATION NÚMERO CINCO

That the total areas of assessment be addressed and that we stop testing children in a language that they do not fully understand. Assess achievement in the language of instruction and assess English language proficiency.

RECOMMENDATION NÚMERO SEIS

That the State of Texas through the Texas Education Agency, using a RFP, begin to budget resources for Research projects.

RECOMMENDATION NÚMERO SIETE

That a State wide committee be appointed to review, assess and make recommendations related to Teacher Certification.

RECOMMENDATION NÚMERO OCHO

That we convene a statewide meeting in order to develop a plan for monitoring implementation of the Court Order to ensure that each limited English proficiency student is being provided bilingual learning opportunities. This would include evaluation of program implementation and program effectiveness.

RECOMMENDATION NÚMERO NUEVE

That we make every effort to ensure positive leadership and support from our State Legislature, including the Governor, as well as the State Board of Education and Texas Education Agency Staff, including the Commissioner.

RECOMMENDATION NÚMERO DIEZ

That we make every effort to convince the State Legislature, the Texas Education Agency and Local Educational Agencies that every teacher, teacher aide, clerk, or staff member, who uses two languages in order to successfully carry out his/her responsibilities, must be provided with incentive pay.

RECOMENDATION NÚMERO ONCE

That we begin a State wide campaign in order to inform the community about bilingual education. It is imperative that we provide all citizens of this State an opportunity to gain a total understanding and acceptance of bilingual education.

I would like to leave these thoughts with you:

(a) "there is no greater inequality than equal treatment of unequals";

(b) "it is very cruel to offer an education to children when all along we know they will not benefit";

(c) "that every child's educational rights are measured by whether or not the child has a meaningful opportunity to benefit - to learn!"; and

(d) "that learning is more important than learning a language".

Thank you very much!

COMPLIANCE AND NON-COMPLIANCE WITH
COURT ORDERED AFFIRMATIVE ACTION

By Luis Segura
Attorney at Law
MALDEF

García vs Victoria Consolidated Independent School District

The Victoria Case beginning in August, 1972, took 7 years to resolve through Court ordered affirmative action, which is to be carried out by the School District within the alloted five year period.

The Court found the School District guilty of job dis - crimination against Mexican Americans and established guide lines for the School District to follow, increasing the existing 7% job occupancy by Mexican Americans to a total of 23% by the end of the 1984 school year. In addition, goals were also established to gaurantee that the percentage of jobs for Mexican Americans would increase or decrease in accordance with the percentage of Mexican American school enrollment, at the present time 35% and ultimately a quota, as is the 23%.

The School District had previous to the trial, made little or no effort to attract Mexican Americans and in fact, discouraged Mexican American applicants from professional jobs. Because of the injunction, the School District has reversed its efforts and taken more positive recruitment efforts in attracting Hispanics to its staff. Even though the order names the colleges and universities from which the School District must take its recruits, the recruiters must familiarize themselves with organizations of Hispanic educators.

The Victoria schools, in addition to being required to meet the quota of hiring Mexican Americans at 23% across the board at every level of employment, were compelled to hire a Mexican American Assistant Superintendent to recruit Hispanic professionals and to monitor compliance with the decree. Also, as part of the disposition of this case, Victoria's hiring practices and policies consistant with an effort to attract Mexican American professionals to the School District.

Because of the Victoria experience, I recommend:

1. Litigation to the view of obtaining court ordered affirmative action for Hispanic persons to include students and personnel. We have learned that few, if any, public school districts will voluntarily engage in affirmative action for Hispanics.

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2. A pool of expert witnesses available to assist those litigating Hispanic issues in education.

3. Joint conferences of educators, lawyers, judges, taxpayers, students and community people to select Hispanic issues for litigation and identify favorable forums for such purpose.

Luis M. Segura

SATURDAY FEBRUARY 16, 1980

BILINGUAL EDUCATION SESSIONS

9:30 A.M. - 12:00 Noon CONCURRENT SESSION C. Hemisfair Room

WHO IS ACCOUNTABLE FOR ENSURING EQUAL EDUCATIONAL OPPORTUNITY FOR HISPANIC CHILDREN,

MODERATOR: Cesar Trimble

PRESENTOR: Roberto Ornelas

Guarding the Rights of Our Children: The Responsibility of Parents, Community and Professional Organizations

PRESENTOR: Miguel Encinias

Safeguarding the Rights of Our Children: HEW, OCR, State Education Agencies, and U.S.

PRESENTOR: Albert Cortez

Minimum Competency Testing, Hispanic Pupils and Bilingual Education

PANEL MEMBERS: Rudy Muñiz
Ernesto Pérez
James Vásquez
Joe Romero
Gilbert Herrera
Frances Zepeda

GUARDING THE RIGHTS OF OUR CHILDREN:
THE RESPONSIBILITY OF PARENTS, COMMUNITY
AND PROFESSIONAL ORGANIZATIONS

By Mr. Roberto Ornelas, Area Director
Department of Labor, OFCCP
San Antonio, Texas

I am very honored to have been invited to participate in this Conference and to have the opportunity to address you briefly on the topic that has been assigned to me.

After accepting the kin invitation that was extended to me I realized I was going to speak before a group of professional educators and persons knowledgable about bilingual education, and it was then that I remembered the basic rule of public speaking: The speaker must know more about the subject than the audience or else he belongs in the the audience, so I decided to look up the term "layman". Webster defines it as:

> "Pertaining to the people, as distinct from the clergy; not clerical nor professional not appertaining to one who has professional knowledge."

Since I consider myself to be the biggest amateur and layman on this subject, I am glad to speak to you today as a layman and give you my views concerning the responsibility of parents, community organizations, and professional associations towards children, as it concerns bilingual education.

When I speak of parents, I speak of the majority as well as the minority parents, and make no distinction whatsoever between them.

The night before last I finally was able to find some of the notes previously made concerning bilingual education and it was then I started to think of some of my close friends, who in yesteryear were culturally enriched children and without the benefit of bilingual and bicultural educational programs, became culturally enriched adults. Then I thought of the many friends that were culturally enriched children, but today were 100% assimilated--who considered themselves 100% true-blood Americans under the rules dictated by the Anglo majority of this country and wondered what happened to them along the way. I wondered what they answer when their children ask them about the culture, traditions and values of their ancestors. I wonder what they do when they feel like eating pasta, or saurabrauten, or chiles rellenos, instead of hot dogs or fried chicken, but are ashamed to do so in front of their friends. I wonder what they do when they hear a German polka or a *chotis* or *paso doble* and their feet

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tingle and beg to be allowed to dance, but they hold fast and refuse because their new friends might not consider it to be American. I wonder how many times they feel like expressing themselves in their original native tongue, but hold back because their children might realize that their ancestors came here from another country, and they might feel like immigrants or foreigners; and if this were know, their new neighbors might readily look down upon them; and they could thus lose that for which they would have given their very souls to attain.

And then I thought and remembered the many culturally enriched children that also grew up with me, and who at one point in their educational process rebelled against the unfairness of the educational system, and because of the many failures of that system became a statistic--a number--in the group known as school dropouts and who today still cling to their culture and traditions, but unfortunately offer very little in the way of educational attainment or skills and are thus relegated to spending their lives performing menial, underpaid tasks, and who are referred to in the employment market as the "hard core unemployed".

An so, it is because of the children of the culturally enriched adults, and hopefully for the children of the assimilated and the dropouts that I felt that maybe a layman's view could be refreshing and maybe even remotely helpful, in what I consider to be the responsibilities of parents, community organizations, and professional associations towards today's children.

Now, the culturally enriched child, by my layman's definition, is a child who, at the time of entering school, has already learned the basics of the culture of his parents and who stands ready to retain what it has already learned and is willing to learn the rest.

It is this child that I am concerned with--and it is this child I worry about--because it is this child that stands on the threshold of realizing our American dream or eternally suffering the melting pot nightmare.

And thus, today, we find ourselves in a time of crisis. First, we see the tens of thousands of culturally enriched children who are either attending or getting ready to attend school --children who still value their traditions and cultures, but are ready, willing, and able to comprehend, appreciate and value the culture of the majority while still retaining theirs. Secondly, we see the tens of thousands of Anglo American children who are well versed in their culture, traditions and values, but who are in dire need of a bilingual and bicultural program to bring them

out of their isolation--who are in dire need to learn of other cultures--and if unable to attain this, they will remain forevermore as children who are culturally deprived. And it is then that we see the vast problems that exist and must be resolved before these accomplishments may occur.

Vast problems? Unfortunately, yes! And one would have to be blind not to see them or a fool not to accept them. As a layman, I have heard of many of them, I have seen or read of others, and I have experienced some personally, I have compiled them into four basic problems:

1. The Newness of the Program and the Uniformed - Although the Unites States has always maintained a variety of languages and cultures, the social and economic status of members of ethnic and linguistic minorities has been directly proportional to their own willingness to sacrifice their own cultural in favor of the majority language and culture. In recent years, however, ethnic and linguistic minority groups are openly expressing their culture and their language in open defiance to the Anglo Saxon concepts of Americanism. Problems naturally arose, and one of the possible solutions was the advent of bilingual and bicultural educational programs. However since it was not until 1967 that Congress passed the Bilingual Education Act and allocated funds for bilingual programs, it is not surprising that America is just becoming aware of their existence. And I mean all of america. The popular misconception exists that bilingual education is a tool directed only towards those who are culturally deprived, slow learners or unable to assimilate into the American schools, and the proponents, advocates, believers and professionals of bilingual and bicultural education have as of yet failed in their efforts to inform the American people. The end result has been that a part of the Anglo majority look upon it as another poverty program whose only benefit will be the Americanization of the minorities and a part of the minorities look upon it as a necessary evil that should be tolerated if their children are to receive a formal education; and the rest of us, we continue to trod along in our bliss of ignorance of what bilingual and bicultural education is, its purpose, accomplishments and needs.

2. Resistance to the Program by School Administrators and Politicians -- It has to be accepted that today, with the Anglo Saxon concept of what an educational system should be and what it should accomplish, and with these concepts firmly entrenched, that many school administrators in their educational ignorance will resist any educational innovation. That threatens to uproot or change the "status quo". It, likewise, has to be accepted that many politicians are content to please their favored constituents occasionally and what could be more palatable to their voters than to become advocates of "fiscal restraint" for their

school districts. And, thus, the perfect soapbox is constructed, and school administrators who were desperately searching for excuses are treated to a Pandoras's Box of reasons for resisting these programs. They can start by saying that these programs will create such a strain on the budget that further taxation could result. They can state that bilingual and bicultural educational programs are, in reality, a luxury and one that the already overtaxed citizen can ill afford. They can further point out that in their district there is a paucity of qualified teachers to handle these programs and they are quick to point out that there are not enough teaching materials even if they should establish these programs, and that their establishment will create educational as well as financial chaos. And then they sit back very saintly, content that they have taken care of those malcontent militant upstarts who have dared to challenge the time tested and proven American educational system.

And in a way, I as a layman have a tendency to feel sorry for these administrators, who still feel so insecure in their jobs, and who, if they had had to compete because of the system, would not be administrators; and then I think of the irreparable damage that they have personnally caused to culturally enriched children, and my sympathy is quickly replaced by anger, and a burning desire that this should never happen again.

3. And thirdly, there exists the problem of fear--I think that the greatest fear that any of us may experience is that of the unknown. We don't know about it, we don't understand it, and thus we fear it. And the Anglo majority is no different from me or you in this respect. They don't know about the ethnic or linguistic minorities, they don't understand them, and thus they fear them because this majority has been indoctrinated since birth that their concept of the American way of life is the only true concept, and since they follow this blindly and truly believe in it, they must be the only true Americans, and anyone who dares to deviate from this concept must be unAmerican and is therefore to be feared; feared because if you allow them to retain and be proud of their native culture, it could tend to lessen their pride and love for America; feared because the language, culture and values dare to be different; feared because it could make undesirables, immigrants and children of immigrant foreigners their equal; and that indeed is something to fear.

4. And lastly, there exists the problem that is in my opin-ion largely responsible for the other three problems the theory of the melting pot or as I often refer to it: "Cultural Genocide". - There have been two interpretations given and followed on this theory. The permissive as advocated by the noted American educator-philospher John Dewey dealt with the superiority of the melted product over the individual ingredients. He

implied that one's own cultural heritage was acceptable, but when melted with others, the result was even better. But his theory and statements revealed his true feelings -- American cultural superiority.

The theory of a noted American educator, E.P. Cubberly was even more pointed: Minority groups should cleanse themselves of objectionable qualities before they dove into the melting pot. They would then emerge as purified, indistinguishable entities who would wholly conform to the Anglo Saxon version of what is an American.

And in spite of the tremendous changes in this country since the inception of these theories, they remain alive today, for American still frowns upon children who communicate in any language other than English. The other language is frowned upon--it literally becomes a "no-no", it's a dirty and inferior language, and if you speak it, you must be inferior, and if your parents speak it, they are likewise inferior. And thus, the young child becomes scarred with the insults of an Anglo world that rejects everything except carbon copies of what it has decreed to be "American".

And if the young child dares to cling to his culture, traditions and values, he is likewise subjected to ridicule and abuse, classified as inferior or retarded by those who still today fail to recognize the values of different cultures. And even today, the majority society fails to understand that when a melting pot boils, it always leaves scum on the top, and that ethnic and linguistic minorities refuse to recognize that they or anyone should be relegated to form that scum.

But, wherever there is a problem, there is also a solution, so I would submit to you a layman's solution to these problems:

Initiate a program, the likes of which have never been seen in the annals of educational innovation to acquaint America with the principles and benefits of bilingual and bicultural educational programs. Let us educate the majority in order that they may realize its values for themselves and their children, and ultimately for America. Let us educate the ethnic and linguistic minorities in order that they will not feel resentment --but pride--in their children's participation in these programs.

And when you accomplish this, the second step will be so much easier, because school administrators owe their jobs to a school board who in turn is elected by the voters, and politicians respond to their constituents. And you will find that those administrators and politicians who previously shared a soapbox in criticizing these programs will now share a postrum in extolling their virtues. And "fiscal responsibility" and "econ-

omy" and the term "luxury programs" will be forgotten in response to public pressure and these terms will be replaced with the terms "long overdue", "immediate need", "fiscally sound", and "investment in America", and these rostrums will echo with the words that America has faced every crisis, every need and every emergency, and it has not only responded but conquered them.

And in the midst of this, you should hear the statements that America can ill afford to waste the talents of ethnic or linguistic minority children or to continue to permit Anglo children to remain culturally deprived, and that the end result will be of mutual benefit to all of its children and therefore to all of America.

And the time to do this is not tomorrow, not next month, or next year, but now!!!

And can this really be done? Can we really solve these problems that so often appear too insurmountable? Can we challenge and change almost two hundred years of established doctrine?

I believe that we can, for if America is to survive, it must draw from the strengths, the cultures, the traditions and the values of all of its citizens; and in order to do it, the cancer of ignorance, prejudice and bigotry that permeates our educational systems must be destroyed once and for all. But let us take care that we not kill the patient, but rather that we cure it. Let us not destroy the system, let us change it so that it does in fact provide equality of education for all Americans.

And what could be our reward? What greater reward could any American hope to receive than the knowledge that it contributed to the achievement of equality? And as we are judged by future generations, what greater reward than the recognition that this generation recognized the challenge, met it, and emerged triumphant; and the recognition that because of our commitment, our efforts and our accomplishments, we created the dawning of a new day: A day in which all Americans walked hand in hand, none in front and none behind, on the road to opportunity; a day in which every American was judged by his fellow peers, not by the color of his skin nor by the accent of his speech, nor by the country of his ancestors, but by his or her personal qualifications; a day in which fear of a different language, culture, traditions and values because unknown; and a day in which the American melting pot ceased to boil, and there remained no scum on top; a day in which the melting pot was scraped and buried and replaced with a beautiful tapestry which was America, and this tapestry was woven with beautiful strands, each of a different shade and each of a different color, but all contributed equally to its magnificant beauty.

Can we achieve this day? As a layman, I think we can, as a minority I pray that we will, and as an American, I know we must.

SAFEGUARDING THE RIGHTS OF OUR CHILDREN: HEW, OCR, STATE AGENCIES AND US

By Miguel Encinias, Ph.D.
Director, Bilingual and Multicultural Education
Albuquerque Public Schools in
Albuquerque, New Mexico

If the 1960's and 70's can be called the era of civil rights, what will the 80's be? It has, beyond any doubt of even the most die hard constructionists, racists, or what have you, been established that we the minorities have rights. It has been a tough battle, but thanks to Rosa Parks and to Martin Luther King and hundreds of others who fought in the front lines of Nashville, Chattanooga and other battle grounds, our rights have been won. What does the word, "rights" mean, however? It means only entitlement to something, not the receipt of the actual thing itself. The fact that one has a right to a good education does not mean that one gets it. Guarantees are after all only as good as the gaurantor wishes to make them. After all the Bill of Rights has been around a long time, but until very recent times the worst possible discrimination and abuses of human rights were common practice right here in our own country.

A canadian university professor whose name I have forgotten said the other day on the public television channel that the United States was the most egalitarian country in the world if you put a heavy bracket around the Blacks. He, of course, meant Blacks and other visible or readily identifiable minorities. When I was a child every time I recited the pledge of allegiance, I always mentally placed an asterisk at the end where it says "with liberty and justice for all". The footnote following the asterisk read something like--quote--in descending order: Blacks, Mexicans, Orientals, Jews and so forth.

Now after Nashville, Chattanooga and Portales (yes we've had a civil rights case in New Mexico) our constitutional rights have been assured. Because of Brown vs. Board of Education, Lau vs. Nichols, Serna vs. Portales Board of Education and a whole litany of other cases, our educational civil rights are relatively secure. What is not althogether on solid ground are our human rights--the right to be what we are, and if our rights are assured, the benefits which go with those rights are not.

If we have bilingual education, it is not because the federal and state governments want to ensure the perpetuation of our essential being as a people--our cultural being. It is quite the contrary, and although we rejoice every time a project is funded, the purpose of all bilingual laws is to phase out our

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language and our culture. I submit to you that all that can hardly be construed as safeguarding our rights and the rights of our children. Cultural genocide is only slightly less abhorrent than the physical one.

Why should our cultural rights be secured? And what does all this have to do with bilingual education? Bilingual education has from the beginning been a dubious benefit which was sold to us and which we sold to ourselves because we were desperate. It wasn't exactly what we had in mind, but we figured it was first step. Why wasn't it what we needed? Well, because language problems are never so serious that long exposure to the idiot box we call television, not to mention the schools, cannot cure to the extent that they are cured for most of our children. It is a single generational problem; ethnic identity, on the other hand, is not. It is for some minorities almost a perpetual problem. Our so-called bilingual education is meaningless if it is not accompanied by bilingual education. Our social problems are at the root. They are not caused by language, which is but one of the elements of our culture but by our own sense of inadequacy which comes from ignorance about ourselves and which in turn results in crises of identify. Bilingual education should then be bicultural. Indeed if I had to choose between bilingualism and biculturalism, I would unhesitatingly choose the latter, because it is far better for me to know that I possess a cultural background than it is for me to speak Spanish. Transitional programs like the one you have here in Texas and like the one our state prescribes, do nothing to preserve cultures, so where are our cultural rights? The right to be what we are without having to apologize for it.

OCR, HEW, State Governments and other agencies are concerned only with the letter of the law and not with the spirit; and that is why they sometimes overlook our human rights. Human rights have to do with understanding and compassion and agencies do not have hearts, only people do. HEW or the Department of Education (what do we call it Dee) is concerned with education. Right now it is the basics which have center stage. We must all learn to read, write, add and subtract. What does it matter if some of us lead hollow lives? Bilingual education as seen by government agencies is designed to teach us English (which could be done without bilingual education), and education is designed to help us read, write and do figures better. For us, it is therefore remedial because we all know that minorities do not measure up academically. What the agencies do not ask themselves is why we do not measure up academically? Their answer has nothing to do with the heart or the spirit, or any of the intangibles of education. The problem as seen officially is simply that we do not speak English well enough, and there is a mechanical answer--a pragmatic answer for that. If we are under

achieving academically, we should do something about it but our entire curriculum should not have such a negative identity. And what are we to do with underachievement in life; which is at the root of our problems?

Many of us have accepted the bilingual education which has been prescribed by the agencies for us. We have accepted this benevolent genocide because it means money and jobs or simply because we have lost the ability to distinguish what is good and what is bad for us as long as something is be funded. And here we are in New Mexico and in Texas happily preparing our own cultural demise through reluctant, transitional, remedial, limited bilingual education programs.

And what can we do about it? First of all, we need to raise our sights from limited treatments which we do not approve of, and secondly we must articulate our needs and the solutions to those needs--articulate first to ourselves within our own minds and then to DEE and OCR and all the rest. We need to ask ourselves what do we really need, and not what do we think <u>they</u> will let us have.

There is a little experiment underway in the school district where I work as Director of Bilingual Education--Albuquerque. I have been on the job for a little over three months, and I have made it an article of faith to myself and to the people which I serve, first, to articulate their needs and secondly to get those needs implemented. Although our bilingual law is transitional, I believe that our culture, our essential being is not. First off, I want to shake off all the limiting characteristics of our bilingual curriculum which are determined by such terms as "culturally and different," "remedial", "transitional", and others, and which all but guarantee the failure of it, and to make it clear that bilingual-bicultural education is not a course, not a discipline, not a program but a dignified curriculum. And what happens to the remedial problems which are after all real? My answer is in the form of a question--and what happens to the problems of mainstream education which require a remedial treatment which are just as real? We treat them within a broad, dignified program with mostly positive goals, but we do not allow special education, remedial reading or any of the other remedial programs to give the essential stamp and character to the curriculum. We want reach <u>all</u> kids whether they are underachieving or not. After all, <u>it</u> is not only underachievers which have souls and psyches--all our kids do.

MINIMUM COMPETENCY TESTING, HISPANIC PUPILS AND BILINGUAL EDUCATION

By Albert Cortez
Intercultural Development Research Association
in San Antonio, Texas

During the past six years we have witnessed in this country the evolution of a broad-based accountability movement. Growing public concern with the fact that Johnny can't read, coupled with exaggerated claims of so-called declines in college entrance test scores has led to the creation, in over forty of our fifty states, of minimum proficiency standards and, in approximately 25 states mandated assessment in basic skills.

What are the impacts/implications of state mandated competency testing programs on Hispanic students and on bilingual education programs which service them? This paper proposes that the adoption of mandated state competency testing programs can have very serious consequences for bilingual education and can alter the direction and possibly the future of programs designed to respond to the unique instructional needs of children of limited English proficiency.

For one to grasp the possible consequences of student competency testing on Hispanic pupils and/or bilingual programs, one must first acquire a basic understanding of the purposes of state competency testing programs.

One definition of a minimum competency test is that it is "a standardized examination designed to demonstrate whether a student has reached a given level of proficiency in any one of several basic academic skills required for a person to function in everyday adult life. A major assumption of those supporting such programs is the ill-founded belief that the testing of essential skills and competencies, in themselves, will help raise academic standards and increase education achievement. The idea is that requiring certification of competencies will prevent schools from passing incompetent students through the grades simply on the basis of social promotion. Supported by "back to basics" advocates, the competency testing movement is seen as the means for reversing perceived "low student achievement, evidenced by high illiteracy rates...conditions which are seen to result from the lack of rigorous performance standards for both the student and the teacher. Use of the competency test is advocated as a means of challenging the student, and also for making the school administrators and faculty accountable for failure to teach the essentials." Sanctions associated with student failure to achieve required levels of competence in the basic skills include (1) retention, withholding of high school

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diplomas and/or presentation of alternative graduation "certificates." These sanctions are in turn exercised at the discretion of the state or, in some cases, the local school systems.

The contemporary emphasis on educational accountability, though appealing on the surface, poses significant questions regarding its impact on Hispanic pupils and the specialized programs which have been developed to meet their unique educational needs. Among the more significant questions are:

> How will Hispanic pupils be impacted by state mandated competency testing programs?
>
> Will pupils who are diagnosed as being of limited English proficiency be included in student competency testing programs? If so, what provisions will be made for interpretation of their scores.
>
> What use will be made of competency test data as it relates to bilingual education programs?
>
> What are the implications [for bilingual programs] of mandated implementation of remedial programs for those students who fail to perform at required levels?

Concern over the prospective performance of Hispanic pupils on mandated competency testing programs is grounded on an abundance of data which documents the extent of Hispanic pupils' underachievement in schools. In studies conducted for the Office for Civil Rights on reading achievement in Southwestern states, it was documented that the percentages of Mexican American pupils achieving at or above grade level in reading lagged significantly behind their Anglo counterparts (see Table 1).

In Texas, a 1972 study by the state agency documented that the reading performance of Mexican American pupils consistently lagged behind Anglo pupils on partically every objective covered in the assessment. A recent study, completed in 1978 revealed that despite this knowledge, a comparison of the performance of three major ethnic groups reveals that Chicanos and Blacks still lagged behind their Anglo counterparts by similar levels. Moreover, the extent of the differences in performance merits noting. Analysis of the 1978 test results revealed that Hispanic pupils were performing at the 29th percentile in reading and the 39th percentile in math, while their Anglo counterparts scored at the 58th and 59th percentiles respectively. Given this historical lag in performance and the absence of dramatic revisions in Texas programs designed to provide remedial services to such pupils, one can anticipate that Hispanic students will be over-represented in the student population which will fail to demonstrate

the required competency levels developed for state competency test programs. Although there are currently no sanctions directed against pupils in current Texas legislation, local school districts do have the option of using this information to determine promotion, and some school systems have elected to exercise said option for promotion and even diploma denial. Being that Hispanic pupil underachievement is already documented, and historical evidence suggests that the mere identification of underachievement contributes little toward improving performance, the real value of mandated competency testing for Hispanics becomes questionable. This observation is reinforced by the recognition by evaluation experts that competency examinations, by themselves, do not provide an adequate basis on which to develop remedial programs. Further, given the possible negative implications of competency testing (problems which necessitated court challenges by minority pupils in Florida and New York) it is understandable why many Hispanics may view the current push for statewide competency testing with some serious reservations.

One of the basic questions which Hispanics should raise about mandated competency testing concerns the extent to which children who are known to be of limited English proficiency should be included in such assessments. One could argue that the inclusion of monolingual Spanish and Spanish dominant students in the program will provide significant information on the extent to which they have achieved the acquisition of certain basic skills; additionally, participation in the program would provide data on areas requiring further remedial efforts. Although such a position has some appeal, it is also accompanied by a variety of potential by-products which could have severe consequences for individual students and/or the bilingual programs which may be providing specialized instruction for them. At the elementary level, one use for competency test data is to determine whether to promote individual pupils, with promotion tied-in to demonstrated proficiency in selected skills. Given that most students participating in bilingual programs have demonstrated limited proficiency in English, it can be assumed that their performance on an all English test of basic skills may fall below the standards developed for average, middle-class monolingual English speaking students, thus setting the stage for the retention of LEP pupils. Another significant point arguing against their inclusion is that participation in the program will not necessarily yield significant new information, primarily because LEP pupils will be tested in a language in which they are not proficient; this in turn will confound the results in that one may interpret their performance as reflecting deficiencies in certain basic skills while in reality the data may reveal little other than the fact that the student was unable to comprehend the test instructions or times. A further cause of concern is the

fact that the nebulous information yield will at best suggest areas of student deficiency, but unless sufficient background data is gathered, it will not necessarily isolate the factors which are contributing to or detracting from the student's acquisition of the required competencies. Given these negative implications it would seem that the potential harm that could result from their inclusion outweighs the potential benefits that might be derived from their participation.

Although the current accountability movement is primarily directed at students, and negative consequences for failure to perform at required levels involve sanctions against individuals, we must recognize the fact that the same data can potentially be utilized as the criteria for evaluating the effectiveness of educational programs provided to pupils. Although the original intent may not have involved such evaluation, it stands to reason that if the student is to be made accountable, at some point the focus will also be directed at the instructional services that are being provided to those pupils. Because most state mandated competency testing programs involve periodic versus annual assessments, and are concerned with a student level of competency in specific skills at a particular point in time, it must be recognized that these mass testing efforts may yield little data on the extent of student progress during a given year. However, if the same criteria for judging success is applied to all programs and pupils in bilingual programs fail to demonstrate the required competencies, challenges to the continued support of said programs may arise--especially from state legislators and other policy makers which are not versed on the complexities of bilingual education. We must recognize that any program developed as an alternative to traditional programs may be burdened with the task of demonstrating that its approach is a more effective means to getting children to learn. Moreover, opponents of the program will demand that the program not only succeed in improving achievement but also bring the LEP student to a level of academic achievement comparable to his nonbilingual peers. Mandated statewide competency testing will provide data which will enable persons to make such comparisions, while ignoring the fact that the students in bilingual programs may have already lagged behind their peers to begin with, and that the time required to bring the students to the level of competencies expected of regular pupils may require more time for such pupils.

Many of these points however, all too often has not been considered by architects of state competency testing programs, and will not be addressed unless these issues are raised and explained by people involved in the field of bilingual education.

Now that I have raised the question of the possibly limited value and potentially negative consequences of state-mandated competency tests, let us look at the flip side of the arguments.

If the mandated assessment identifies students who are not achieving at expected levels, and if attempts are made to identify those factors affecting underachievement, we may find that there will be a significant increase in the numbers of students diagnosed as requiring a program which is responsive to their linguistic characteristics. If remedial efforts are mandated and effectively financed, then we may see an increase in the extent of support for programs like biligual education...In other words, competency testing can be used to make programs, including traditional approaches, more accountable.

Let me close by pointing out that the basic issue is that tests, in themselves, are neutral, and can, in fact, yield information which can be put to good use by educators. According to Wendell Pierce of the Education Commission of the State's, testing produces a wealth of data...which can be used to change policies, structures and programs for the betterment of our educational process...state and local school systems must therefore begin to collect the data that can indicate the weak and strong points within our educational systems...to determine which approaches have the greatest payoff in improvement of pupil performance. He goes on to point out that unless the states know what is going on in the schools, they cannot act to change or encourage it.

Despite its positive attributes, mandated student competency testing can at best be compared to an ax: it can be used constructively to clear away impediments and yield many useful and worthwhile by products in education, on the other hand it can become a lethal weapon which will be utilized to wreak havoc for Hispanic children and the programs that service their needs. If we are to effectively use it as a tool, it is recommended that the following issues be taken into consideration when utilizing mandated competency testing:

Recommendation 1. Student competency testing programs should provide data not only on the extent of student mastery of specified skills, but also incorporate thorough information gathering provisions to identify factors which may be contributing to or detracting from the acquisition of the desired skills.

Recommendation 2. In those state competency testing programs requiring the participation of LEP pupils, provisions should be made for pilot testing the instrument in order to assess the extent of student comprehension of test items; wher-

ever necessary instruments in languages other than English should be developed.

Recommendation 3. Student competency test data should never be used as the sole criterion for evaluating any program, or specifically programs designed to respond to the unique needs of children of limited English proficiency, and provisions for such safeguards should be incorporated into state testing policies.

Recommendation 4. Competency test data should not be used as the sole criterion for assessing student achievement in the basic skills.

Recommendation 5. Prior to test administrations, parents and community members should be advised of the nature and purpose of mandated competency testing efforts and provisions should be made to obtain their inputs regarding the programs.

EXHIBITS

* Reading Achievements by States
* Percent of Pupils Mastering Prescriptive Reading
* Test Objectives by Ethnicity
* Percentile Ranks of Average Scores by Ethnicity
* Texas Assessment Project
* Percentile Ranks of Average Scores by Language/Income
* Abstract from TEA Request for Proposal for Texas Assessment of Basic Skills
* Texas Legislation Mandating Student Competency testing

TABLE 1

READING ACHIEVEMENT BY STATES*

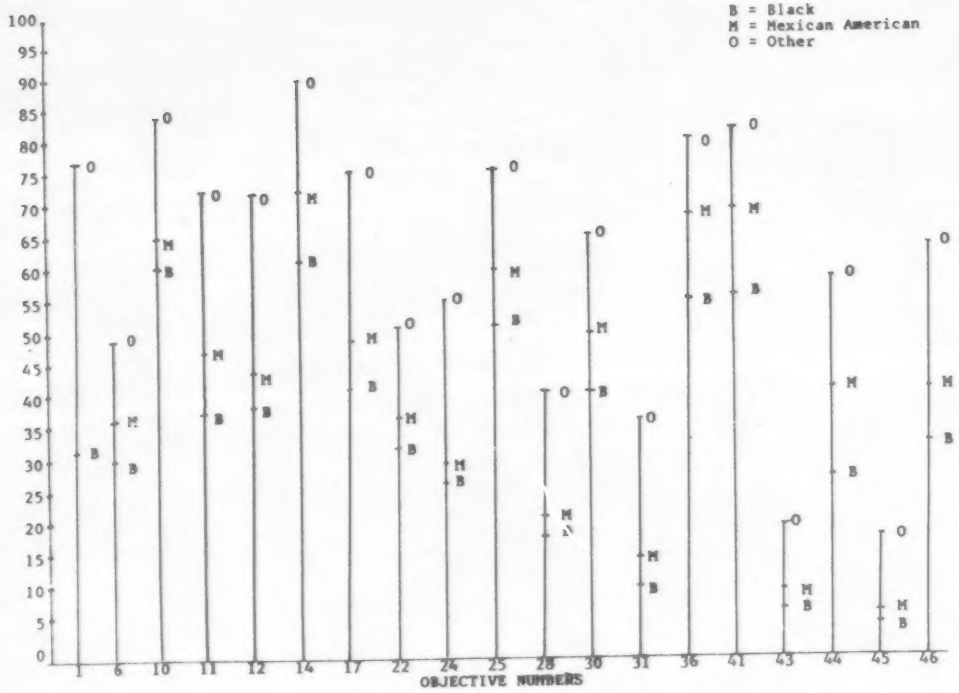
COLORADO			NEW MEXICO			TEXAS			SOUTHWEST**		
Percentage of 4th graders at or above grade level.											
Anglo	M.A.	Black	Anglo	M.A.	Black	Anglo	M.A.	Black	Anglo	M.A.	Black
74.4	43.3	38.0	75.1	51.9	48.3***	79.0	48.3	41.0	74.8	48.7	44.7
Percentage of 8th graders at or above grade level.											
66.9	44.9	35.1	64.9	41.5	43.4	72.5	26.6	36.1	71.8	35.7	41.7
Percentage of 12th graders at or above grade level.											
76.9	40.8	35.1	66.0	46.3	25.7	69.1	35.3	28.4	66.2	37.4	30.2
12th graders 2 or more years below grade level.											
14.5	40.4	45.9	16.3	44.0	52.4	16.3	44.0	52.4	18.8	40.2	51.4

*U.S. Commission for Civil Rights, Mexican American Education Study.

**Includes figures from California and Arizona.

***Because of small number of Blacks, New Mexico reported Native Americans.

TABLE 2
PERCENT OF PUPILS MASTERING PRESCRIPTIVE READING TEST OBJECTIVES



Source: A Needs Assessment Report, Texas Education Agency, 1972.

TABLE 3

TEXAS ASSESSMENT PROJECT

Percentile Ranks of Average Scores

	State	Mex-Am	Black	Other
Vocabulary	47	29	29	60
Comprehension	44	30	28	56
Total Reading	45	29	28	58
Computation	54	47	36	62
Concepts	43	32	26	55
Total Math	48	38	30	59
% Mex-Am	27	100	0	0

TABLE 4

TEXAS ASSESSMENT PROJECT

Percentile Ranks of Average Scorces

	Low Income	Others	English Only	Mixture	Non English
Vocabularly	28	58	58	47	26
Comprehension	28	54	55	44	27
Total Reading	26	56	57	45	26
Computation	41	61	61	53	44
Concepts	28	52	53	43	30
Total Math	33	57	58	48	36

ABSTRACTED FROM TEA REQUEST FOR PROPOSAL
TEXAS ASSESSMENT OF BASIC SKILLS

V. Statement of Requirements

A. The contractor will be under the direct supervision of the Director, Division of Educational Assessment, Texas Education Agency, for the contract period.

B. All materials and/or products resulting from the Texas Assessment of Basic Skills will become the property of the Texas Education Agency.

C. The contractor will print at least 250,000 copies of each of three tests (reading, writing, and mathematics) at grade five and at least 250,000 copies of each of three tests (reading, writing, and mathematics) at grade nine (exit level). Cost estimates should be based on an average of ten printed pages with each test.

D. The contractor will provide test booklets numbered with a fifteen digit code number consisting of region-county-district-campus-pupil identification numbers.

E. The contractor will provide sealed test booklets.

F. The contractor will design and produce answer sheets for all six tests and a general purpose demographic pupil information form usable with all six tests and a general purpose demographic pupil information form will utilize the fifteen-digit coding provision stated in "D" above. The demographic sheet will include grids for such things as:

.name of pupil
.age
.sex
.race or ethnic group membership
.participation code
..did student take examination, if no
...was student absent
...was student ineligible, if yes
...special education
...LESA
has the student been in a bilingual program, if yes, how many years

.does the student participate in programs for

..SCE Funded Program
..Title I Regular
..Title I Migrant
..State Bilingual
..Title VII Bilingual
..etc.

G. The contractor will develop and print a total of 12,500 test administrators manuals to accompany test materials.

H. The contractor will be responsible for ensuring that provisions for security as outlined in Section 16. 176 of the Texas Education Code are maintained.

I. The contractor will be responsible for conducting 20 regional workshops to train test examiners in testing procedures.

LEGISLATION MANDATING COMPETENCY TESTING TEXAS

S.B. 350 Section 16.176

SUPPORT FOR EDUCATIONALLY DISADVANTAGED PUPILS

(a) In this section "educationally disadvantaged pupils" are pupils who are eligible for the free and reduced lunch program under the provisions of the National School Lunch Program. The commissioner of education with the approval of the State Board of Education shall review the standards established for educationally disadvantaged pupils and adjust the standards if they perpetuate inequities or become obsolete.

(b) Each school district which is eligible and which also receives aid under the National School Lunch Program is eligible to receive an allotment of $44 for each educationally disadvantaged pupil enrolled in its public schools. For purposes of the allocation made pursuant to this section, the number of educationally disadvantaged pupils in each district shall be determined by averaging the best six months' enrollment in the free and reduced lunch program for the 1978-79 school year.

(c) Beginning with the 1979-80 school year, and each year thereafter the Central Education Agency shall adopt and administer appropriate criterion referenced assessment instruments designed to assess minimum basic skills competencies in reading, writing, and mathematics for all pupils at the fifth grade level and shall also adopt and administer to all ninth grade pupils, secondary

exit level assessment instruments designed to assess minimum mathematics and English language arts competencies which it deemed appropriate for a high school graduate. All ninth grade students who fail to demonstrate mastery of minimum exit level competencies shall be given the opportunity to retake the assessment instrument each year the assessment instrument is administered. Beginning with the 1980-81 school year and each year thereafter, the Central Education Agency shall adopt and administer appropriate criterion referenced assessment instruments designed to assess basic skills competencies among all students at the third grade level. In addition to the assessment instruments adopted and administered by the Central Education Agency, a local school district may adopt and administer criterion and/or norm referenced assessment instruments at any grade level. Any student who has a physical or mental impairment or a learning disability that prevents such students from mastering the competencies which the assessment instruments are designed to measure may be exempted from the requirements of this section.

(d) In adopting assessment instruments pursuant to this section, the Central Education Agency and/or a local school district shall insure the security of the instruments in their preparation, administration, and grading. Meetings or portions of meetings held by the Central Education Agency and/ or a local school district at which individual assessment instruments or assessment instrument items are discussed or adopted are not open to the public under Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 625217, Vernon's Texas Civil Statutes), and the assessment instruments and items are confidential.

(e) The results of individual student performance on assessment instruments administered pursuant to this section are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by campus and district and made available to the public, with appropriate interpretations, at regularly scheduled meetings of the governing board of each school district. The information may not contain the names of individual students or teachers. The commissioner of education shall compile all of the data and report it to the legislature, lieutenant governor, and governor no later than January 1, of each odd numbered year.

(f) Each school district shall utilize the student performance data resulting from the assessment instruments administered pursuant to this section to design and implement appropriate compensatory instructional services for students in the district's schools and shall submit an annual report to the commis-

sioner of education which describes how state compensatory funds received pursuant to this section have been used to provide for those services.

(g) If the total amount of compensatory education aid required by this section exceeds $42,900,00 per year, each district's allotment shall be reduced proportionately until the amount of aid allocated equals $42,900,000 per year.

Comments

This section requires the Texas Education Agency to establish a statewide assessment program at grades 3, 5, and 9. All students in these grades will be tested with state adopted tests in reading, writing, and mathematics. The first testing period is planned for grades 5 and 9 in the Spring of 1980. Requirements for test administration, test security, and reporting are available since the Fall of 1979.

ISSUES FOR EDUCATIONAL ISSUES OF 1980

By Ruben Bonilla, Jr.
National President of LULAC

Across the United States the Spanish origin population is a younger population, having a median age of approximately 22 years as compared with the median age of almost 30 years for the non-Spanish origin population in America. Well over 40% of Hispanics are under 18 years of age. But embarassing, Hispanics have a lower educational attainment than average Americans. Only 40% of Hispanics 25 years or older have completed a high school education compared with the national average of 66%. Consequently, the Hispanic median income is $5,000 below the national median.

The end result? 11% of all Americans hold bachelor degrees but for Hispanics the rate is only 1.6%.

Hispanics earn only 0.7% of the Ph.D. degrees awarded. In the fields of science and engineering, Hispanics receive only 0.4% of the degrees while, Hispanics receive less than three percent of the medical and legal degrees awarded in America.

A substantial portion of the blame for these dismal facts can be placed on the instrument of standardized test which have linguistic and cultural biases built into them. The Hispanic higher education coalition has proposed that a Hispanic student be rated only in comparision to other Hispanics and not be compared to the entire group. The standardized tests do not measure intelligence nor do they predict the likelihood of success. In a similar vein, state school funds in Texas and other Southwestern states are not fairly distributed, meaning that the least represented group in a community, normally Blacks and Hispanics, receive a corresondingly lower rate of return on their tax dollars for educational related aid.

In this context, it would be very easy for us to conclude that racism and discrimination is still what keeps Hispanics out of our college campuses and vocational centers, but the alarming drop in educational excellence is not unique to the Hispanic population.

Recently, a Ford Foundation study concluded that federal programs which had promised to wipe out illiteracy may have failed inasmuch as, as many as, 64 million adults may still be considered illiterate. The adult basic education program passed in 1964, has been weakened by poor attendance and a high drop-out rate.

The president's Commission on Foreign Languages recently concluded that the United States is largely monolingual and that many of its difficulties in dipolomacy on the international scale can be traced to our refusal to adopt and learn a second language. The commission concluded that "American's incompetence in foreign languages is nothing short of scandalous and it is becoming worse." Only 15% of students in public high schools in the U.S. study a foreign language compared to 24% in 1965. The report stated that "Incompetence in foreign languages has helped create a dangerously inadequate understanding of world affairs and has damaged U.S. economic and diplomatic influence." The commission noted that educators have cut back foreign language programs and that the teaching of foreign tongues has virtually disappeared in elementary schools. Only 8% of U.S. colleges and universities now require a foreign language for admission compared with 34% in 1966.

The commission therefore recommended foreign language training from kindergarten through the 12th grade, creation of international studies high schools in large cities and stronger language requirements for admission to colleges and finally, yearly grants to schools of $20 to $40 for each student who pursues a foreign language. The estimated cost of $230 million dollars is cheap if Americans are to cope with the changing world in the decade of the 80's.

In another area, The Office of Civil Rights, Department of Health, Education and Welfare recently revealed that vestiges of a segregated system still exists in Texas. Texas colleges and universities now must develop plans that will include specific commitments to remedy any remaining affects of prior *de jure* segregation by redefining the missions of their recruitment and hiring policies. The report has discovered an emerging pattern of *de facto* segregation regarding Mexican Americans. Significant questions have been raised as to the extent to which state institutions are providing equal educational access to Hispanics.

We are in 1980, the decade which has been in some quarters I believe prematurely labeled as the "Decade of the Hispanics". Set backs are too numerous to begin a retreat from the development of new initiative and stronger commitments of providing the most fundamental support of our educational institutions within the Southwest.

As we enter the 1980's, The Texas Education Agency has already released a study which demonstrates that Blacks and Hispanics constitute almost 50% of the total public school enrollment in Texas, K-12. The Texas Education Agency projects that minorities will constitute 40% of the total public school

enrollment by the year 1990--60%!!! Unless our legislature and political leaders insure equal educational opportunities, Texas will most certainly be confronted with the most profound social and political problems at the end of this decade for its refusal to deal with the problems of educating our growing student population.

ROLE AND STATUS OF HIGHER EDUCATION IN TEXAS

1. Earlier Reference to HEW Report

a. LULAC response: 10 point program that places emphasis on extensive recruitment in areas of heavy minority student population. The Governor should also recognize the need to increase the number of appointments of minorities and women to major academic governing bodies such as the Board of Regents of major universities in Southwest College [illegible]. He should also make more resources available [illegible] the form of broader work studies, [illegible] information programs.

On the [illegible] of Texas has stated increasingly the greatest waste in state government could be found in our college and university campuses. He also has proposed an across the board five percent reduction of state employees, without consideration of the adverse impact that it might have on our goal of academic excellence. The Governor and the Commissioner of Higher Education have publicly stated their support for an increase in the tuition rate in Texas. Finally, the Governor has converted the coordinating board of college and university system into a partisan tool, to the detriment of higher education. First, the coordinating board has been independent and a highly conscientious body, although I am sure we all at one time or another have differed with its policy statements. Thus far, the Governor has appointed seven republican members to the 18 member board. The seven thus far seem to vote along party lines, rather than what is in the best interest of higher education. The chairman of the board, has appointed each of the other six republicans to committee chairmanships while only three of the remaining 11 board members, all with more experience, occupy chairmanships.

Secondly, we should uniformly oppose increases in tuition rates. Such increases further the burden on all middle and low income families who are the hardest the by the inflationery spiral now exceeding 13%, the highest since post-war period in America. This situation would become particularly acute for the middle income citizens whose children, because of the parental income, do not qualify for many of the financial aid programs avialable for low income families. Parents presently pay fees

far in excess of tuition upon their children's enrollment--these fees vary but include student services and building use fees. Many institutions are having their construction costs met by the use of assessment fees on registration day. In a sense, tuition has already been increased and the parents already overburdened.

EDUCATION OF UNDOCUMENTED WORKER CHILDREN

I sometimes feel Texas is mired in midst of dark ages of education.

Section 21.031

Texas Education Code. Texas is the only state in America where:

- The state denies free public school education to children of undocumented workers;
- There is a deliberate state effort to regulate immigration of foreign nationals;
- There is an action that infringes upon the explicit domain of congress and is therefore barred by the doctorine of pre-emption.

1. The state establishes a criteria based on wealth.
2. The State penalizes innocent children who have no control over their destiny or their present place of residence.
3. The State Violations of the 5th and 14th Amendments of the Constitution--Constitutes invidious discrimination and therefore is a denial of equal protection of the laws
4. The State imposes unreasonable fees upon those least able to afford it, subjecting the children to the dropout statistics, and future burdens on America's tax rolls (delinquency,idleness, and possible criminal activity).
5. Texas has failed to demonstrate a rational basis for the statute--does not advance any legitimate state interest.
6. The State is enacting legislation based on a bias or prejudice against the subjects of this legislation
7. The State denies children education--
   Parents still remain in United States--Result: fail to educate society.

The greatest revolution of our generation is the discovery that human beings by changing the inner attitudes of their minds can change the outer aspects of their lives... Hispanic mental and attitudinal revolution--sensitize Americans to plight of Hispanic Americans...

Freedom to care...

According to the Carnegie counsel on policy studies in higher education, one of every three youths is ill-educated, ill-employed and ill-equipped to make their way in American society. The report concluded that high schools prolong compulsory youths and favor those continuing formal education over those moving directly into the job market.

Our society may not adequately be dealing with the youth problem as reflected by the high school dropout rate of 23%. Another 20% of those who are graduating failed to master basic work skills. The report recommended that high school students should be required to attend two days of each school week to education-related work or community service and that work study programs should be created for needy high school youths. As an incentive for prospective employers, teenagers and employers should not have to pay the social security tax. Instead, the emphasis should be on the development of new apprenticeship programs for civilian and military work for 16 and 17-year-olds.

RECOMMENDATIONS

(1) In view of the fact that standardized tests are frequently used to exclude students from University or College programs the Conference recommends that:
Clear admission to 4 year state-supported college-universities be granted to all high school graduates (from accredited high schools) ranking in the top quarter of their graduating class regardless of ACT or SAT test scores.

(2) In view of the fact that standardized tests are frequently used to lock students into developmental programs the conference recommends that:
Clear admissions to 2 year community college be granted to all high school graduates and adult members of the community. Caution should be taken that minority students not be locked into developmental or guided studies programs.

RECOMMENDATIONS

(3) That in a time of declining resources, Hispanic issues in education be given the priority deserving of the (largest) minority group in the nation.

(4) That consideration be given to the appointment of top notch Hispanic educational leaders in the new Department of Education.

(5) That the "powers" become aware of the total expertise and widely varied talent in the field of education which the Hispanic educators of the U.S. have to contribute and that their worth as educators not be thought of as limited to the areas of multi-cultural, bilingual, ethnic, or foreign language studies.

(6) That new impetus be given the philosophy of helping the Hispanic students of the U.S. become contributing citizens of the nation. Such an impetus would require the educational system of the nation to place as a priority the use and practice of educational programs which aid the students in becoming more self-reliant, rational, and self-disciplined as they begin to actualize the latent potential within them.

(7) That colleges and universities rekindle the spirit of minority recruitment with emphasis on the low-risk, talented, and capable Hispanic student. That the search for and appointment of quality Hispanic professors and administrators be upgraded at institutions of higher education.

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RECOMMENDATIONS

(8) Implementation of law reviews of the process of issuing regulations.

(9) Need for parental education spark demands for more accurate accountability.

(10) Need for a clearinghouse for legislative reaction prior to passing of laws.

(11) To have some kind of score cards on all of our legislators to see how sensitive they have been in responding to our needs and their constituency.

(12) Press release on this conference to make the community aware of the efforts and resolutions resolved at this conference.

(13) Recommend that the Texas Assessment of Basic Skills be made more realistic for children who are not functioning well in English (Note: TABS will be conducted in the English language only, but will include children enrolled in bilingual education, that is of limited English-speaking ability-LESA).

RECOMMENDATIONS

(14) Organize Hispanic researchers to influence research agendas in NIE.

(15) Increase our dialogue with research departments in new department.

(16) Specific ways to influence SEA's to use existing monies to disseminate existing research and to do research in bilingual education and to use existing monies in research budgets of Department of Education to HEW states comply with civil rights regulations.

RECOMMENDATIONS

(17) That the Texas Education Agency solicit available funds to enforce the Lau mandate -- funds are available at the federal level that can be used to supplement the "overburdened" staff at TEA that should comply or insure compliance of remedies.

(18) That federal government focus on Commission of Education and state boards of education as the real power in states rather than bilingual education departments.

(19) That courageous action be encouraged and supported.

RESOLUTION

That until the schools meet their responsibilities, the courts will continue to be used as a means of seeking remedies,

But since the lawyers and the courts are not educators, the remedies will not meet the needs adequately,

So be it resolved that the work of educational reform continue at the local level through the election of officials that are sensitive to the needs of Hispanic children and broad-based local support be supported.

(20) Prompt publication of new Lau regulations in Federal Register.

(21) Vigorous enforcement of Title VI by responsible Federal law enforcement agencies, Office of Civil Rights, and Department of Justice.

(22) Need for community education in legal rights, community pressure to push enforcement of court orders, laws.

RESOLUTION

That Department of Education recommend to the accreditation agencies appoint task forces to see that each of the academics of Spanish-speaking students are being met.

That the Department of Education ask the existing accreditation agencies to appoint Hispanic persons to serve as members of accrediting teams as often as possible. Too few Spanish-speaking persons have served in such roles and it is absolutely necessary that the Spanish-speaking community is represented in such terms.

(23) Training in ESL (contrastive analysis, diagnostic skills, and ESL methodology) for every teacher in the Southwest.

(24) Bilingual leaders who are competent to speak in both languages in at least one area of bilingual education (sociology, methodology, cultural heritage, language arts, etc.) at a professional level.

(25) Evaluations which do not have as their prime objective to whitewash the program staff.

(26) Unless we improve teacher training there won't be adequate

services for children. Perhaps we should place the supervision of bilingual education in the languages departments for at least they are concerned with language skills, or in the anthropology departments for they are concerned with culture. The education departments can't seem to give bilingual teachers the skills and knowledge they need.

(27) That university trainers provide demonstrations and participation. Training in both languages for prospective teachers thus insuring that they learn the technical vocabulary and develop sound habits which will help them later on in their own classrooms.

(28) That bilingual leaders not limit themselves to talking about bilingual education but try it. Fish or cut bait.

RECOMMENDATIONS

That these recommendations must be addressed immediately. It is of little value to have a Court Order, ammendments to the Court Order, supplements to the Court Order, a Constitution which guarantees all people certain rights and laws, if is not ensured compliance. There must be a stiff penalty for non-compliance. In the case of providing for the limited English and/or non-English proficiency student, it is my belief and recommendation that non-compliance of the Court Order or non-compliance with the laws of this land, should constitute a criminal act and should be punishable as such. That is recommendation numero uno!

RECOMMENDATION NÚMERO DOS

That we initiate a teacher training program immediately to ensure that each teacher who teaches children of limited English proficiency possess all competencies necessary to be successful. This would include a total oral language proficiency program so that a teacher can teach subject matter and feel comfortable.

RECOMMENDATION NÚMERO TRES

That we begin immediately to review all materials that are available. Identify quality materials, throw out poor quality materials and begin filling the gaps. Limited English proficiency students deserve quality textbooks, materials and audio visual aids.

RECOMMENDATION NÚMERO CUATRO

That the Texas Education Agency provide sufficient financial resources for all limited English proficiency students (K-12) to

ensure full implementation of a sound bilingual/bicultural program.

RECOMMENDATION NÚMERO CINCO

That the total areas of assessment be addressed and that we stop testing children in a language that they do not fully understand. Assess achievement in the language of instruction and assess English language proficiency.

RECOMMENDATION NÚMERO SEIS

That the state of Texas through the Texas Education Agency, using a RFP, begin to budget resources for research projects.

RECOMMENDATION NÚMERO SIETE

That a statewide committee be appointed to review, assess and make recommendations related to teacher certification.

RECOMMENDATION NÚMERO OCHO

That we convene a statewide meeting in order to develop a plan for monitoring implementation of the Court Order to ensure that each limited English proficiency student is being provided bilingual learning opportunities. This would include evaluation of program implementation and program effectiveness.

RECOMMENDATION NÚMERO NUEVE

That we make every effort to ensure positive leadership and support from our State Legislature, including the Governor, as well as the State Board of Education and Texas Education Agency Staff, including the Commissioner.

RECOMMENDATION NÚMERO DIEZ

That we make every effort to convince the State Legislature, the Texas Education Agency and Local Educational Agencies that every teacher, teacher aide, clerk, or staff member, who uses two languages in order to successfully carry out his/her responsibilities, must be provided with incentive pay.

RECOMMENDATION NÚMERO ONCE

That we begin a statewide campaign in order to inform the community about bilingual education. It is imperative that we provide all citizens of this State an opportunity to gain a total understanding and acceptance of bilingual education.

I would like to leave these thoughts with you:

(a) "there is no greater inequality than equal treatment of unequals"
(b) "it is very cruel to offer an education to children when all along we know they will not benefit"
(c) "that every child's educational rights are measured by whether or not the child has a meaningful opportunity to benefit - to learn!"
(d) "that learning is more important than learning a language".

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